CONSTITUTION AMENDMENT) BILL, 1995

SHRI SANJAY DALMIA (Uttar Pradesh): Sir, I beg to move for leve to introduce a Bill to amend the Constitution of India.

The question was put and th meotion was adopted. . . . . . .

SHRI SANJAY DALMIA: Sir, I introduce the Bill.

श्री कृष्ण लाल शर्मा (हिमाचल प्रदेश): उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि–

"नागरिकता अधिनियम, 1955 का और संशोधन करने वाले विधेयक को पुर:स्थापित करने की अनुमति दी जाये।"

The question . . th meotion was adopted. . . . . . .

श्री कृष्ण लाल शर्मा : उपसभाध्यक्ष महोदय, मैं आपकी अनुमति से विधेयक को पुर:स्थापित करता हूं।

श्री कृष्ण लाल शर्मा (हिमाचल प्रदेश): उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि–

"विदेशियों विषयक अधिनियम, 1946 का और संशोधन करने वाले विधेयक को पुर:स्थापित करने की अनुमति दी जाये।"

The question was put and the motion was adopted.

श्री कृष्ण लाल शर्मा : उपसभाध्यक्ष महोदय, मैं विधेयक को पुर:स्थापित करता हूं।

THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) BILL, 1993.

श्री कृष्ण लाल शर्मा : (हिमाचलप्रदेश): उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि :–

"राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली अधिनियम, 1991 का और संशोधन करने वाले पर विधेयक विचार किया जाए।"

उपसभाध्यक्ष महोदय, मैंने इस विधेयक में जो मांग की है और जो बात विधेयक में भी स्पष्ट की है, वह यह है कि राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली शासन अधिनियम, 1991 की धारा 8 के बाद मैं तीन बातें और जोड़ना चाहता हूं :

(1) कि विधान सभा का अलग सचिवालय स्थापित होगा,

(2) कि विधान सभा अपने सचिवालय स्टाफ में नियुक्त किये गये व्यक्तियों की भर्ती सेवा शर्तों को विधि द्वारा विनियमित कर सकेगी, और

(3) कि जब तक विधान सभा द्वारा धारा–2 के अधीन उपबंध नहीं किया जाता तब तक उपराज्यपाल महोदय विधान सभा के अध्यक्ष के साथ परामर्श करके विधान सभा सचिवालय स्टाफ में नियुक्त किये गये व्यक्तियों की भर्ती और सेवा शर्तों को विनियमित करने के लिये नियम बना सकेंगे और इस प्रकार बनाये गये कोई भी नियम उक्त उपधारा के अधीन बनाये गये किसी भी नियम के उपबंध के अध्यधीन प्रभावी होंगे।

उपसभाध्यक्ष महोदय, यह मेरा प्रस्ताव है। अब दिल्ली के बारे में मुझे यह कहना है कि दिल्ली को एक नया नाम देकर विधान सभा भी दी गयी और एक राज्य का दर्जा भी दिया गया। जिस समय यह विधेयक पारित किया गया, उस समय सदन के अंदर गृह मंत्री महोदय ने यह बात अत्यन्त स्पष्ट कर दी थी कि पुलिस और डी०डी०ए० को छोड़कर

अर्थात लैंड और पुलिस इन दोनों मामलों को छोड़कर बाकी सब मामलों में राष्ट्रीय राजधानी क्षेत्र दिल्ली का पूर्ण अधिकार होगा । वह उसमें काम करेंगे, लेकिन धीरे-धीरे इसमें दूसरी चीजें भी इस प्रकार आती गयीं कि अब लगता यह है कि केन्द्र सरकार के मन में कोई न कोई चीजें काम कर रही हैं कि दिल्ली को उसका पूरा अधिकार देने से सरकार कतरा रही है या डर रही है। अब दोनों में से कौन सी बात है मैं यह समझ नहीं पा रहा हू क्योंकि जितने अधिकार दिये गये, उसका आधार बालाकृष्णन कमेटी थी। मैं यह कहना चाहता हूं कि बालाकृष्णन कमेटी को अगर "इन लेटर एंड स्पिरिट" इंपलीमेंट किया जाता तो हमें उसमें कोई आपत्ति नहीं होती। लेकिन उस रिपोर्ट की भी सारी चीजों को एक तरफ करके, उसके बाद जो विधेयक बना और उसके बाद जो रूल्स बन गये उसमें भी काफी परिवर्तन करके दिल्ली के अधिकारों को कम करने की कोशिश की गई।

उपसभाध्यक्ष महोदय, मतदाता तो यह देखता नहीं है कि एक्ट में क्या है लिखा है ? एक्ट में लिखा हैं कि यह चीज दिल्ली सरकार के अधीन नहीं है, मगर मतदाता ने तो दिल्ली सरकार को चुना है, वह तो दिल्ली सरकार को सब चीजों के लिए जिम्मेदार मानता है और हर बात के लिए उससे पूछता है कि यह क्यों नहीं हुआ, वह क्यों नहीं हुआ ? यह स्थिति है। यहां दिल्ली में केन्द्र सरकार है, यहां गृह मंत्री जी भी है और उनके अधिकार में जो कुछ चीजें हैं और धीरे-धीरे करके ऐसी बातें की जा रही हैं, जिससे लगता यह है कि दिल्ली को पूरे राज्य का दर्जा देने के बजाय दिल्ली को जो मट्रोपोलिटन-कांन्सिल को उस समय अधिकार थे, उन अधिकारों को भी दिल्ली असेम्बली से छीना जा रहा है, कम किया जा रहा है। जैसे उदाहरण के लिए मैं बताना चाहूगा कि जब मैट्रोपोलिटन कान्सिल थी यहां दिल्ली में, तो उस समय डी.डी.ए., दिल्ली डवलपमेंट अथोरिटी में पांच लोग ऐसे लिए जाते थे, जिनमें दो लोग तो मैट्रोपोलिटन कांन्सिल के इलेक्टेड लोग होते थे और तीन कारपोरेशन से जो इलक्टेड मैम्बर होते थे उनमें से लिए जाते थे। यह पांच मैम्बर उसमें लिए जाते थे। आजकल तो कारपोरेशन नहीं है। इसलिए होना यह चाहिए था, न्याय का तकाजा यह था, कि सरकार यह फैसला करती कि इलक्टेड फोरम से, इस समय दिल्ली की जो असेम्बली है, वहां से पांच लोग लिए जाते, लेकिन आज यह है कि डी.डी.ए. में एक भी व्यक्ति इलेक्टेड मैम्बर में से नहीं लिया गया है, न लिया जा रहा है। मंत्री महोदय ने कई पत्र लिखे हैं, कई बार गृहमंत्री महोदय से अनुरोध किया हैं, प्रधानमंत्री से मिले हैं, इस तरह की बातें की हैं, लेकिन फिर भी उसका कोई परिणाम नहीं निकल रहा है।

महोदय, इसी तरह नई दिल्ली म्युनिसपल कमेटी का है । यह तो एक स्वायत शासन का मामला है, यह तो लोकल बोडी है, लोकल सेल्फ गवर्नमेंट है। यह कोई ऐसी चीज नहीं थी, जिसके बारे में कहा गया था कि दिल्ली के अधिकार के बाहर होगी। अब इसके अंदर भी इस तरह की बातें की जा रही हैं कि नई दिल्ली म्युनिसिपल कमेटी के इलेक्शन हो ही नहीं रहे । इलेक्शन कराएं तो बड़ी अच्छी बात है। इलेक्शन होने चाहिए, लेकिन हो नहीं रहे । नोमीनेशन में चर्चा करने के बाद यह जो दिल्ली की सरकार है उससे बातचीत करने के बाद भी जिस प्रकार से प्रतिनिधित्व दिया जाना चाहिए था वह नहीं दिया जा रहा है। इस संबंध में भी जो आर्डिनेंन्स है, जो इसके बारे में बिल है उसके अंदर भी और अंतर कर दिया गया है। उसमें पहले यह बात डाली गई थी कि जहां कहीं कोई ऐसी विचाराधीन बात होगी तो केंद्र और दिल्ली सरकार, दोनों से परामर्श करके निर्णय लिए जाएंगे। इसमें अमेंण्ड करके प्रदेश को निकाल दिया गया हैं । अगर डेपू में जनरल मैनेंजर के एपायंटमेंट का मामला है तो उसमें अनुमति नहीं मिलेंगी।

उपसभाध्यक्ष महोदय, बड़ी बिचित्र बात यह है कि पुलिस का बजट तो दिल्ली सरकार वहन करेगी, सारा पुलिस का खर्चा दिल्ली सरकार उठाएगी, लेकिन पुलिस दिल्ली सरकार के अधीन नहीं होगी। इसमें भी मुझे खुशी होती, अगर ला एण्ड आडर के पाइंट आफ व्यू से केन्द्र सरकार की साख अच्छी होती, लोग कहते दिल्ली में ला एंड आर्डर

सिचुएशन बहुत अच्छी है, मगर यहां ला एण्ड आर्डर की सिचुएशन खराब है। मैं आपसे मांग करूंगा कि अच्छा यही होगा कि आप उस जिम्मेदारी से अपने आपको मुक्त करें और प्रदेश को यह जिम्मेदारी दे दें। आज हालत यह है कि दिल्ली में ला एण्ड आर्डर का दिवाला निकल रहा है। रोज हत्याएं हो रही हैं, रोज इतनी घटनाएं हो रही हैं, अपहरण हो रहे हैं, बलात्कार हो रहे हैं और यहां कोई पूछने वाला ही नहीं है। इस समय अगर हम थोड़ा सा और गंभीरता से इसके बारे में सोचें तो पता लगता है कि ये चीजें अब दिल्ली में रोष का वातावरण बना रही हैं, अगर केन्द्रीय सरकार द्वारा इस बात पर गंभीरता से विचार नहीं होगा कि दिल्ली को पूरे राज्य का दर्जा देना चाहिए। मैं तो यह कहूंगा कि पुलिस भी, डी.डी.ए. भी पूरी तरह से उनको दे देना चाहिए। क्यों दे देना चाहिए, कारण भी मैं बताना चाहता हूं। उपसभाध्यक्ष महोदय, इस समय हमारे देश में बहुत छोटी-छोटी इकाइयां बनी हुई हैं, प्रदेश की सरकारें हैं। मैं थोड़ा अगर उल्लेख करना चाहूं तो नागालैंड में, प्रदेश में पूरा उनका अधिकार है—कानून बनाना, सब कुछ करना—और कोई चीज ऐसी नहीं है जो केन्द्र के अधीन हो और नागालैंड एक ऐसा प्रदेश है, जिसकी कुल जनसंख्या 10,30,000 है। मणिपुर, जिसकी जनसंख्या 18,37,000 है, त्रिपुरा जिसकी जनसंख्या 27,57,000 है, सिक्किम जिसकी जनसंख्या 4,06,000 है और इसके बाद मिजोरम, अरूणाचल प्रदेश गोवा जिनकी थोड़ी-थोड़ी जनसंख्या है, उनको भी राज्य का पूरा पूरा दर्जा दिया हुआ है और उनको सारे, कानून बनाने के और सब अधिकार दिए हुए हैं और इसके बारे में कोई अंकुश केन्द्र का नहीं है। मैं तो यह सोचता हूं कि यह जो 7 प्रदेश है, जो मैंने छोटे-छोटे गिनाए हैं, उनकी जनसंख्या का टोटल भी कर लीजिए तो दिल्ली की जनसंख्या उनसे ज्यादा है। दिल्ली में इस समय 70 विधान सभा के सदस्य हैं और इस समय दिल्ली में जो कोई भी कार्यक्रम दिल्ली की सरकार हाथ में लेती है, केन्द्र का उसमें अंकुश लग जाता है, उसमें कठिनाइयां पैदा की जाती हैं। पानी का सवाल आता है, बिजली का सवाल आता है, उंगलियां उठती हैं दिल्ली सरकार पर लेकिन उसके पीछे तार हिलाने वाले कुछ और लोग रहते हैं। मैं समझता हूं कि केन्द्र सरकार के हित में भी यह है कि वह सारे अधिकार दिल्ली की सरकार को दे, पूरे प्रदेश का दर्जा दे और जो दर्जा दिया है, उसमें वे कटौती न करें और उनको काम करने का मौका दें।

मैं विश्वास के साथ कह सकता हूं कि मेरी पार्टी की और भी जिन प्रदेशों में सरकार है, उन्होंने लॉ एंड आर्डर का उदाहरण पैश किया है। शायद ही किसी और जगह ऐसा उदाहरण मिला हो। हमारे देश के एक मुख्य मंत्री के बेटे का अपहरण राजस्थान में हुआ था। एक हफ्ते के अंदर अपहरणकर्ताओं को आइडेंटिफाई किया गया, एक आदमी एन-काउंटर में मारा गया और जिनके बेटे का अपहरण किया गया था, उनके लड़के को ढूंढकर और लाकर उनके सामने खड़ा कर दिया गया। मैं समझता हूं कि इसी तरह के मैं और भी उदाहरण बता सकता हूं, जिनसे आपको मालूम ही जाएगा कि लॉ एण्ड आर्डर की स्थिति में कोई कमी नहीं रही है। यह जो हम समझते हैं कि दिल्ली में एक विशेष परिस्थिति है—यहां पार्लियामेंट है, यहां केन्द्रीय मंत्री हैं—ठीक है, वैसे तो अगर दिल्ली को जोड़ा जाए तो फरीदाबाद, बहादुरगढ़, गाजियाबाद, नोएडा, ये सब दिल्ली के हिस्से हो गए हैं, ये दिल्ली के साथ मिलते हैं, ये सब अपने-अपने प्रदेशों के अधीन हैं, इनका लॉ एंड आर्डर केन्द्र के अधीन नहीं है।

इसलिए मुझे यह कहना है कि इस पर एक बार फिर से केन्द्रीय सरकार पुनर्विचार करे क्योंकि आधी-अधूरी, लूली-लंगड़ी असेम्बली जनता के प्रति अपना उत्तरदायित्व नहीं निभा सकती। इससे हमेशा वायु-मंडल इस असेम्बली का और केन्द्र के संघर्ष का बना रहेगा और इसमें रोज संघर्ष होते रहेंगे और मैं समझता हूं कि यह कोई अच्छी बात नहीं है। इसलिए इसके अंदर हमें शीघ्र परिवर्तन करना चाहिए और इस परिवर्तन के साथ हमें दिल्ली को एक उचित स्थान देना चाहिए। दिल्ली हमारे पूरे देश की राजधानी है, इसकी इतनी बड़ी जनसंख्या है, यहां बहुत अच्छे लोग हैं, यहां पर सारी चीजों के होते हुए भी हम इसमें अधूरापन रख रहे हैं, यह बात उचित नहीं है।

उपसभाध्यक्ष महोदय, मैंने यह जो विधेयक प्रस्तुत किया है उसका एक विशेष कारण है। और वह कारण यह है कि इस समय अलग असेंबली बनने के बावजूद यहां असेंबली का स्वतंत्र और पृथक सचिवालय नहीं है। स्थिति यह है कि आज सचिवालय का सचिव भी नहीं है। There is no Secretary for tht Legislative Assembly.

वहां पर जो भी कर्मचारी हैं उनकी स्थिति भी बड़ी विचित्र है। जो कर्मचारी विधान सभा में हैं, वे कर्मचारी कहां से हैं? उन कर्मचारियों की अजीब स्थिति है। उनमें से कुछ कर्मचारी तो इण्डस्ट्री डिपार्टमेंट से हैं, कुछ डवलपमेंट डिपार्टमेंट से हैं, कुछ सेल्स टैक्स डिपार्टमेंट से हैं, कुछ कोआपरेटिव डिपार्टमेंट से हैं और कुछ एजुकेशन डिपार्टमेंट के हैं और यह विभिन्न विभागों के जितने कर्मचारी सचिवालय में काम कर रहे हैं, तो इन पर नियंत्रण और इनके बारे में अगर कोई अनुशासन की कार्रवाई करनी हो तो वह जो उनके अपने-अपने विभाग हैं, वही करेंगे। यह सचिवालय उनके खिलाफ कोई कार्रवाई भी नहीं कर सकता। मानों, इनमें से अगर कोई अबडेलेंट करता है तो या कोई काम नहीं करता है, तो उन पर नियंत्रण न विधान सभा के अध्यक्ष का है और न सचिवालय का है। सभी कर्मचारी अपने-अपने विभाग के अंतर्गत हैं और वे उन्हीं से सेलेरी ड्रा करते हैं। यह तो है ही कि जिनी तनख्वाह पाएंगे उसी के अधीन चलेंगे। तो इस तरह से विधान सभा का काम कैसे चलेगा? यह भी एक विचित्र स्थिति बन गई है। इस समय विधान सभा के जो स्पीकर हैं उनको यह भी अधिकार नहीं है कि अगर वह कोई रिटिंग करवाना चाहें तो वह अपने आर्डर से नहीं करवा सकते और ऐसे डिसीजन लेना चाहें तो वह ले नहीं सकते।

उपसभाध्यक्ष महोदय, हमारे संविधान के आर्टिकल 187 में इस बात को स्पष्ट किया गया है कि दिल्ली के बारे में जो बातें की जा रही हैं वह उस आर्टिकल 187 के बिल्कुल विपरीत है। आर्टिकल 187 को उस समय कोट भी किया गया था और 1948 में जब लोकसभा स्पीकर श्री मावलंकर जी थे, उन्होंने इसको कोट किया था। मैं इसको यहां कोट कर रहा हूं। उसमें उन्होंने कहा था :

"Every officer, subordinate or otherwise, serving in the Secretariat of Legislature must be in a position to carry out his duties without fear and favour of the executive Government and obviously this cannot be done if persons in the employment of the Legislature Secretariat have to look upon such bodies as Selection Board consisting of the officers and nominees of the executive Government for their chances and career in the Secretariat of the Legislature. Even in the old regime when the executive Government was not responsible to the Legislature, it was a well established convention that the presiding authority, the speaker was the sole judge and controller in respect of appointments, promotions and other things in the Legislative Assembly Department."

लेकिन आज दिल्ली में इसमें से कोई भी अधिकार दिल्ली असेंबली को नहीं हैं। यहां तक कि वहां जो वाच एंड वार्ड हैं जैसे हमारे पार्लियामेंट में हैं, उसकी ड्यूटी भी दिल्ली पुलिस के लोग पूरी कर रहे हैं। इसकी कोई भी डिबेट तब तक प्रिंट नहीं हो सकती जब तक उसकी सैंक्शन फाइनेंस नहीं देता। इस तरह से एक लेजिस्लेचर विंग को, सैक्रेटरिएट को ऐसा पंगु बना कर रख दिया है कि जिसका कोई जस्टिफिकेशन नहीं है कि इस तरह से क्यों डिसीजन लिया गया है और इस समय कितने भी मैंने उदाहरण दिए हैं, इसमें और सारे देश में जितने भी लेजिस्लचर्स हैं, इसमें दो ऐक्सेप्शन्स हैं, वन इज दिल्ली, अदर इज यूनियन टेरिटरी ऑफ पांडिचेरी जहां पर इंडिपेंडेंट सैक्रेटरिएट लेजिस्लेचर का नहीं है। अब दिल्ली के लिए तो हम कह सकते हैं, पांडिचेरी तो हम कह सकते हैं कि यूनियन टैरिटरी है और दिल्ली तो फुल-फ्लैज स्टेट है और नेशनल कैपिटल टेरिटरी इसको कहा गया है और फुल-फ्लैज स्टेट का स्टेटस देने के बाद भी अभी तक इसको इंडिपेंडेंट सेक्रेटरिएट का प्रोविजन नहीं दिया गया है। ऐसा लगता है कि सरकार एक हाथ से कुछ अधिकार देती है और दूसरे हाथ से उसको वापस ले लेती है। वह शायद इस बात से प्रसन्न नहीं है कि दिल्ली में एक ऐसी सरकार बन गई है जो केन्द्र में बैठी हुई, सत्ता में जो पार्टी है, उससे भिन्न है।

SHRI JAGESH DESAI (Maharashtra): Mr. Krishan Lal Sharma, can you tell us whether we can do this under the Constitution?

श्री कृष्णलाल शर्मा : लेकिन मुझे यह कहना है कि हमें इस चीज को ऐप्रिशिएट करना चाहिए कि पार्लियामेंट के बारे में जो कुछ आर्टिकल 8 में प्रोविजन दिए गए हैं, वे सब इंप्लिमेंट हुए, 187 आर्टिकल के अंदर जो प्रोविजन स्टेट लेजिस्लेचर्स के लिए किए गए हैं, वे सब जगह इंप्लिमेंट हुए हैं सिवाय दिल्ली के और पांडिचेरी के। पांडिचेरी को मैं एक बार सोच सकता हूं कि वह फुल-फ्लैज स्टेट नहीं है, यूनियन टेरिटरी है। मैं तो इस पक्ष में हूं कि पांडिचेरी को भी जहां हमने if it is a Union Territory with a Legislature, then I will plead

कि उनको भी इंडिपेंडेंट सेक्रेटरिएट लेजिस्लेचर के लिए दिया जाना चाहिए।

उपसभाध्यक्ष (श्री सतीश अग्रवाल) : क्षमा करें शर्मा जी। There is a Constitutional provision with regard to State legislatures. Article 187 says:

"(1) The House or each House of the Legislature of a State shall have a separate secretarial staff:"

I shall not read the proviso.

"(2) The Legislature of a State may by law regulate the recruitment and the conditions of service of persons appointed to the secretarial staff of the House or Houses of the Ltgislature of the State.

(3) Until provision is made by the Legislature of the State under clause (2), the Governor may, after consultation with the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed to the secretarial staff of the Assembly or the Council, and any rules so made shall have effect subject to the provisions of any law made under the said clause.'

So the State Assembly. .(*Interruptions*)..

SHRI JAGESH DESAI: From the second part, it is clear that they have a right. Why have they not enacted the law? . (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): That is what I am saying. I am drawing his attention to this provision in the Constitution. The Legislatures of a State may by law regulate the recruitment and service conditions of its employees. So, let the State Assembly pass a law.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. M. SAYEED): Even if we accept it for argument's sake, it will not stand the test of law. It may become Constitutionally invalid.

SHRI KRISHAN LAL SHARMA: My amendment also consists of all the three things that you have read just now. This is exactly the amendment that I am moving. All the employees that I have mentioned, come from various departments. But I do not find any objection being raised by the Government. Even a Secretary is not being provided. Why is it that these kind of lapses are there? I want an independent Secretariat for the Legislature, This has been provided for under article 187 of the Constitution which our Vice-Chairman has rightly read out and to which he has drawn the attention of the House. Aricle 187 makes it mandatory.

इस तरह से सब के सामने यह प्रोविजन रखा गया है जिसके कारण इस को हर स्टेट पर असेंबली पर लागू किया जाना है। Why is it that the Delhi Assmebly is being governed under some arbitrary rule?

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Your argument will have more validity when the State Government passes a law. (*Interruption*)

SHRI VAYALAR RAVI (Kerala): Article 187 of the Constitution is applicable to States. Delhi is a Union Territory. This is an amendment to article 239A) (a) of the Constitution. The inherent power of Section 187 is not applicable to the Delhi Assembly. Then, how can you argue the case?

SHRI KRISHAN LAL SHARMA: That is right. I am saying that if this Bill is adopted here, then the problem will be solved... (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Mr. Ravi, according to your interpretation, does the Kerala Assembly have no power under the Constitution to pass a law?

SHRI VAYALAR RAVI: The Kerala Assembly has an inehrent power under article 187 because it is applicable to Kerala, it being a State. This article is not applicable to Delhi. That is why the hon. Member is moving an amendment to the National Capital Territory of Act. He himself is admitting that it is not applicable.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): It is not necessary that the hon. Member should have read the provisions of the Constitution when he drafted the Bill. He only draws the attention of the House to a particular lacuna. That is all. But, according to me, the Delhi Assembly is not competent to pass the law... (*Interruptions*).

SHRI VAYALAR RAVI: If Delhi or Pondicherry can be elevated to the status of Kerala, then this problem is solved. But Delhi is a Union Territory. That is the basic difference.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Which article were you referring to?

SHRI VAYALAR RAVI: Article 239 (A) (a). He is making an amendment in the Bill.

श्री कृष्ण लाल शर्मा : उपसभाध्यक्ष महोदय, मैं थोड़ा सा यहां कोट करना चाहता हूं । यह एक बड़ी विचित्र बात है कि जो ऐक्ट पास हुआ है; it says:

> "The Assembly has not been mentioned as a separate Department of the Delhi Government under the allocation of business rules framed under the National Capital Territory of Delhi Act."

This is the lacuna. After the Bill was passed and while the rules were framed, the Delhi Assembly was not mentioned as a separate Department. This is the lacuna which is creating problems. So, I am saying that.

इसमें कोई पोस्ट असैंबली सेक्रेटरी की नहीं रखी गयी है । आखिर रूल्स फ्रेम करते हुए, ऐक्ट के बाद जो रूल्स बनते हैं, उसमें यह स्पेसिफाई होना चाहिए कि ये सब चीजे प्रोवाइड की जा रही हैं। सेक्रेटरी की पोजीशन, प्रेजेंट जो सेक्रेटरी है उसकी जो पोजिशन है, उसके बारे में कोई बात नहीं कही गयी है और इसके कारण से जो समस्यायें पैदा हो रही हैं उसका संबंध सीधा ऐक्ट के बाद फ्रेम किए गए रूल्स के साथ है । जब तक इसमें अनोमलीज दूरी नहीं की जाती तब तक दिल्ली गवर्नमेंट के लिए या दिल्ली असेंम्बली के लिए कोई ऐसी चीज क्रियेट करना, पास करना, उनके लिए एक नयी समस्या पैदा करेगा । मुझे यह कहना है कि दिल्ली सरकार यह देखे कि क्या यह बात सच है कि इस ऐक्ट के पास होने के बाद जो रुल्स फ्रेम किए गए हैं वह असेंम्बली की इंडिपिडेंस के लिए ठीक हैं या नहीं है । यदि यह ठीक नहीं है तो इसके बारे में सरकार को क्लेरिफिकेशन देना चाहिए कि ऐसे रूल्स क्यों बनाए गए हैं और जो असेंम्बली का सेक्रेटरी है वह स्टेट्च्युरी पोजीशन के नाते रूल्स में स्पेसिफाई किया गया है ? अगर नहीं किया गया है तो गवर्नमेंट इसको एक्सप्लेन करे और इसके बारे में बताए कि ऐसा क्यों किया गया है ?

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): I would like to refer to the provision relating to the so-called Delhi Assembly Act which has been passed.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): That is what I want to know.

SHRI JAGDISH PRASAD MATHUR: According to the Constitution (Sixty Ninth Amendment) Act, the Union Territory of Delhi shall be called the National Capital Territory of Delhi. It does not say that it is an Assembly. Therefore, the provision which you are referring to does not apply to it. That is why my friend is moving an amendment. It is known as the National Capital Territory of Delhi and not as an Assembly. Article 239A says that the Parliament may by law create a body whether elected or partly nominated and partly elected, to function as a Legislature for the Union Territory. That is why there is a deficiency.

VICE-CHAIRMAN (SHRI SATISH AGARWAL): But it is known as the Delhi Assembly.

SHRI JAGDISH PRASAD MATHUR: In the popular sense, it is known as the Assembly. But the law refers to it as the National Capital Territory of Delhi. This is the law.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): But the Act contains provisions for Assembly.

SHRI JAGDISH PRASAD MATHUR: The so-called National Capital Territory Region of Delhi does not have an Assembly. It is only the National Capital Territory of Delhi. It does not have a [illegible]ure. That is the difficulty.

SHRI VAYALAR RAVI: Sir, what is the matter?

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): According to Shri J. P. Mathur, the National Capital Territory of Delhi does not have an independent status. It is only a Union Territory.

SHRI VAYALAR RAVI: Yes, that is the point.

श्री दयाल शर्मा : उपसभाध्यक्ष महोदय, जितनी बातें मैंने कही हैं, उनसे यह स्पष्ट होता है कि अभी तक दिल्ली का स्टेटस क्या है, इसके बारे में क्लेरिटी नहीं है, न एक्ट में है और बाद में जो रूल्ज फ्रेम किये गये हैं, उनमें है। इसलिए शायद इनके पास एम्पल स्कोप है सेंट्रल गवर्नमेंट के पास एक के बाद एक इनकोचमेंट करते हुए दिल्ली स्टेट की जो पावर्स हैं, हर जगह पर चाहे वह असेम्बली हो, चाहे एडमिनिस्ट्रेशन है, चाहे वेरीयस डिपार्टमेंट्स हैं उनके अन्दर वह चीजें की जा रही हैं। इसके अलावा मुझे यह कहना है कि जब एक्ट बनता है और जब रूल्ज बनते हैं जब तक उनमें अनोमलीज़ को दूर नहीं किया जाएगा, कोई भी अनोमली ऐसी नहीं रहेगी जिसका मिसइंटरप्रिटेशन किया जा सके या मिसयूज़ किया जा सके तब तक इस स्थिति में सुधार नहीं हो सकता है। इसलिए मैंने जब अपनी बात शुरु की थी तब यह कहा था। एक तो इन्होंने रिलक्टेंट माइंड से क्योंकि पब्लिक प्रेशर था इसलिए सरकार ने इसके बारे में सोचा नहीं दिल्ली को स्टेटस तो दिया लेकिन स्टेटस पूरा नहीं दिया। इसलिए मैं यह कह रहा हूं कि एक तो दिल्ली को फुल पावर स्टेटहुड मिलना चाहिये। उसका जब फॉलो-अप होगा तो असेम्बली को स्टेटस मिलेगा, उसका जो फॉलो-अप होगा तो असेम्बली को एक इंडीपेंडेंट सेक्रेटेरियेट मिलेगा। मैंने यह बात आपके सामने इसलिए उठाई कि जब मैंने आपको रूल्ज कोट करते हुए यह कहा कि रूल्ज के अन्दर अगर असेम्बली को एक इंडीपेंडेंट बॉडी मानते ही नहीं हैं तो फिर असेम्बली का एग्जिस्टेंस जो है, उसका महत्व नहीं रह जाता है और उसकी सारी जो प्रोब्लम्स हैं, उसमें से क्रियेट होती हैं। इसीलिए मैंने यह भी कहा कि इसी कारण से असेम्बली के सेक्रेटरी को भी एक स्टेटयुटेरी स्टेटस जो कि आपकी सब लेजिस्लेचर्स में है, पार्लियामेंट में है, सब जगह है, दिल्ली की असेम्बली का जो सेट-अप करने का एक्ट है उसको उस प्रकार से नहीं दिया गया है। इसलिए मैंने यह अमेंडमेंट मूव की क्योंकि अगर इन अमेंडमेंटस पर चर्चा शुरु होगी तो लाजिकल कंक्लूजन इसका यही होगा कि वे अमेंडमेंटस स्वीकार करते हुए सरकार

इस लॉजिकल कक्लूजन पर पहुंचेगी कि दिल्ली स्टेट को पूरी स्टेटहुड देनी चाहिए । उसके बाद दिल्ली असेम्बली को उसका पूरा स्टेटस मिलना चाहिए, ला बनाने और बाकी सारी बातें करने का। उसके साथ फिर दिल्ली को और असेम्बली को एक इंडिपेंडेंट सेक्रेटेरिएट प्रोवाइड होगा, फिर जैसे उपसभाध्यक्ष जी आप भी कह रहे हैं कि दिल्ली असेम्बली भी अपने लॉज एडाप्ट करेगी जो उसके लिए आवश्यक हैं। सुविधाएं आदि सब बातें अपने सेक्रेटेरिएट के लिए कर सकती है । इसलिए मैंने कहा कि मेरी समझ में यह नहीं आता कि छोटे छोटे प्रदेशों के प्रति तो सरकार बड़ी उदार है, उनको पूरा दर्जा दिया है, उनका क्या बड़ा हित लगता है यह मैं समझ नहीं पा रहा हू---इतनी छोटी छोटी आबादी वाले इतने छोटे छोटे स्टेट हैं जबकि दिल्ली इतनी बड़ी आबादी वाला है जहां कि इतने इलाइटन्ड लोग हैं, सबसे ज्यादा यहीं पर हैं । दिल्ली भारत का कैपिल माना जाता है । इसको हम क्रिपल करके रख देते हैं । क्रिपल्ड स्टेट बना दी है, असेम्बली को पूरी पावर्स नहीं दी हैं और इंडिपेंडेंट सचिवालय नहीं दिया है । हर स्टेट को भी हम लोगों को रिकग्नाइज करना चाहिए । इसको भी नहीं करेंगे तो मैं समझता हूं कि यह लोकतंत्र का भी अपमान है, लोकतंत्र की अवमानना है । इसके बारे में पूरे अधिकार उनको मिलने चाहिए ।

मैं इसके बारे में अधिक आग्रहपूर्वक आपसे यह निवेदन करना चाहता हू और सदन से भी यह कहना चाहता हू कि जब सारे देश में इस तरह की व्यवस्था दी गयी है तो यहां क्यों नहीं हैं । असेम्बली के बारे में जैसे मेरे मित्र और श्री माथुर जी ने भी इसको पाइंट आउट किया कि जब तक उस ऐक्ट में फिर रूल्स में दोनों बातें क्लियरली मेंशन नहीं होंगी तब तक जितने भी उपाय किए जाएंगे दिल्ली स्टेट के द्वारा वे एक तरह से रिडन्डेंट हो जाएंगे। सरकार उसकी तरफ कोई ध्यान नहीं देगी । यही कारण है कि सरकार ने ऐसा एक्ट बनाया है और जैसे कहीं बीच में प्राविजन्स थे, यहां तक के प्राविजन्स थे कि कुछ बातों के बारे में सेंटर और स्टेट दोनों का कंसलटेशन होगा वह भी अमेंडमेंट के बाद स्टेट का उसमें से प्राविजन और कन्सलटेशन हटा दिया गया है, केवल सेंटर का कंसलटेशन उसमें रखा गया है। इसलिए उपसभाध्यक्ष जी, मेरा यह कहना है कि आज जो स्थिति दिल्ली की है उसमें डेसू की समस्या, एन0डी0एम0सी0 की समस्या है, डी0टी0सी0 की समस्या है, इसके साथ डी0डी0ए0 की है । इन सब पर चुने हुए जो नुमाइंदे हैं जो इलेक्टेड रिप्रेजेंटेटिव्स हैं वे न इस पर कोई डिसिशन ले सकते हैं न उनको कोई इसमें रिप्रेजेंटेशन मिल सकता हैं । यह तो एक ऐसी चीज हैं कि जो इतने महत्वपूर्ण विभाग हैं यहां पर इलेक्टेड रिप्रेजेंटिव्स नहीं रहेंगे बल्कि ये नामीनेटेड रिप्रेजेंटिव्स के आधार पर सारे डिपार्टमेंट चलाए जाएंगे तो फिर असेम्बली का महत्व क्या रहेगा । दिल्ली स्टेट का दिल्ली गवर्नमेंट का महत्व क्या रहेगा ।

मैं इस बात के लिए दिल्ली के मुख्य मंत्री को बधाई देना चाहूंगा कि इतने कम अधिकारों के बावजूद भी, इतनी समस्याओं के बावजूद, केन्द्र के पक्षपातपूर्ण रवैये के बावजूद भी वे जनता की सेवा में लोगों की सेवा में लोगों के काम में पूरी गति से आगे बढ़ रहे हैं, काम कर रहे हैं और लोगों के अंदर अब यह धारणा पैदा हुई हैं कि अब इस सरकार को और दिल्ली को पूरी स्टेटहुड का दर्जा देना चाहिए । मैंने यह विधेयक पेश किया हैं । मैं समझता हू कि सदन इस पर गम्भीरता से विचार करेगा और सर्वसम्मति से इस विधेयक को पारित करेगा । इन्हीं शब्दों के साथ मैंने यह बात सारे सदन के सामने उपसभाध्यक्ष जी आपके माध्यम से रखी है । मैं आशा करता हूं कि इसको सब लोग स्वीकार करेंगे । धन्यवाद

.. *The question was proposed.* ..

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): The motion for consideration of the Bill has been moved

by Shri Krishan Lal Sharma. Any Member desiring to speak may now speak.

SHRI JAGESH DESAI: Sir, I am on a pint of order. Can we discuss this type of a Bill hare in this House? We have to amend the Constitution to do what he wants. So, it will be of no use to discuss this Bill at all. It is wrong.

SHRI KRISHAN LAL SHARMA: I have not moved to amend the Constitution.

SHRI JAGESH DESAI: But that is the only way to do it.

SHRI KRISHAN LAL SHARMA: Not, not the Constitution. The Act is before us. The rules are before us. Let us study whether we can remove these anomalies through amending the rules or the Act itself.

SHRI JAGESH DESAI: Sir, Delhi is not a full-fledged State, as has been pointed out by Mr. Sharma. As such, I feel that before we discuss this Bill in this form. we have to amend the Constitution and bring it within the purview of the Constitution that even a Union Territory also should be one of the subjects which could be...

SHRI KRISHAN LAL SHARMA: I think the Bill moved by me does not require any Constitutional amendment. I have moved the Bill.

SHRI JAGESH DESAI: I feel that the right can be given only by amending the Constitution: otherwise, it can't be done. Sir, I would like to have your ruling whether we can discuss this Bill in this form or not.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Mr. Jagesh Desai, Article 239A provides for creation of local Legislatures or Council of Ministers or both for certain Union Territories. Parliament may by law create for any of the Union Territories... (*Interruptions*). ...Now it has been deleted, Pondicherry—a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union Territory, or a Council of Ministers or both with such constitution, powers and functions, in each case, as may be specified in the law

Under the provisions of Article 239A, this House or the Houses passed the particular Government of National Capital Territory of Delhi Bill Naturally, now he is moving an amendment to that particular Bill which has been passed. He is not proposing any amendment to the Constitution within Article 239A because Article 239A authorises Parliament to pass a law with such constitution, powers and functions as may be specified in the law. He says that the particular law which created the Delhi Capital Region should be amended so as to remove all these deficiencies. That is what his point is. So, your point of order is not in order.

SHRI JAGDISH PRASAD MATHUR: Sir, may I point out a lacuna? The Act which has created the so-called National Capital Territory of Delhi says under Article 239A Section II that there shall be a Legislative Assembly for the National Capital Territory and the seats in such Assembly shall be filled by Members chosen by direct election etc., etc. Here the word "Assembly" has been used which has been

stated as 'Territory' in the nomenclature of the original Act? This is a lacuna under this Act itself. Why do you indirectly say that it is an elected Assembly when in the title it says only the National Capital Territory? That is the confusion in the law itself under which the so-called Assembly of the National Capital Territory has been created. So, this lacuna has got to be rectified by the Government itself. I hope my friend's Bill may or may not be accepted, but it becomes incumbent on the Government to clarify the position and if they keep an Assembly, then automatically, the Delhi Legislature will have its own secretariat. That is the biggest lacuna in the Act itself. I think that this could have been pointed out by the hon. Home Minister when the Bill was drafted. So, we should continue the discussion on the Bill.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Mr. Narayanasamy.

SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity to speak on the Private Member's Bill moved by Shri Krishan Lal Sharma regarding the Government of National Capital Territory of Delhi Bill, 1993 Sir, at the outset, I would like to submit, with great respect to your ruling on the subject that has been raised by Shri Jagesh Desaiji, that the provision relating to services is no directly under the control of the Union Territories. As far as the States are concerned, they have their own Public Service Commissions they have their own judiciary and they have got all the infrastructure. As far as the Union Territories are concerned, they do not have Service Commissions and State Service Commission are not allowed for the purpose of recruiting the employees. It is the various departments themselves who have to recruit their own employees. Therefore, to my mind this Bill is not in the true spirit of the Constitution.

I now come to the general subject. Shri K. L. Sharma has given a wide spectrum of the concept of the Union Territories. I am in agreement with Sharmaji that the theory of having a State and a Union Territory should be removed. State is a State whether big or small. We had a bitter expeperience in 1963. After the agreement was signed between the Government of India, under the Prime Ministership of Pandit Nehru, and the then French Government, our territory was also declared as the Union Territory of Pondicherry. We are governed by the Union Territory Act, 1963.

Sir, Pondicherry is one Union Territory which has the oldest Legislative Assembly right from 1963 to till date. Other Union Territories are the Andaman and Nicobar Islands the hon. Minister is coming from Lakshadweep which is also a Union Territory Chandigarh, Dadra and Nagar Haveli and Delhi.

Our experience for the last 32 years has been that the Union Territories Act which is in force, that the wider powers to the Lt. Governor. For all purposes the Lt. Governor is the administrator. The peculiar situation under which the Legislative Assembly has to function is that there is an elected Government, there a Council of Ministers and the elected representatives. But, the decision taken by the Cabinet can be reversed by the Lt. Governor as the Administrator! Therefore, it is a nebulous situation in which the will of the public, the legislators, the elected Government, cannot be executed for the purposes of giving benefits to the people who have given them the mandate to come to power. This we have been experiencing for the last several years. I have been making fervent appeals in this House right from 1985, the hon. Minister also knows it pretty well, that Pondicherry should be given Statehood. When I

raised this issue in 1985, our leader Shri Rajiv Gandhi was the Prime Minister of this country. We had been informed that population was the criterion for this. Sir, small States like Goa, Mizoram, Manipur, Arunachal Pradmsh were all Union Territories. They have been given the Statehood. I have no grudge against them. As I initially stated, powers should be vested in the elected representatives and they should administer the State. They get name, fame or accusations, all should be on them because of the governance. Ultimately, what happens? Now, the Home Ministry is the nodal Ministry as far as the Union Territories are concerned.

The Home Ministry controls us sitting in Delhi and if there is any difference of opinion between the Council of Ministers and the Lt.-Governor, the matter has to be referred to the Home Minisry. My bitter experience is that for all service matters we have about 25,000 Government employee in our State. For those employees, we do not have any Service Commission, we do not have a recruitment system, a centralised recruitment system, we do not have any set guidelines, as far as promotions are concerned. It is done by the bureaucrats. As far as scales of pay are concerned, neither we are coming under the category of the Central Government nor the adjoining States. Whenever it suits the Central Government, they give lesser salary to our employees. They say, "You are not entitled to the Central Government pay scales." When it does not suit them they say. "You get the pay scales of the adjoining States; this much of salary is given to the employees of those States, you can also get that." Therefore, the employees are being dragged. Sir, in the Third Pay Commission, the anomaly relating to the employees of Pondicherry arose Sir, I wrote 2,000 letters to the Home Ministry, to the Health Ministry, to the Education Ministry, i.e., to the Ministry of Human Resource Development for the purpose of removing the anomaly which was carried over even in the Fourth Pay Commission. And what was the reply: "Your letter has been carefully examined by our Ministry, and after due consideration, we are not in a position to agree because the Fourth Pay Commssion has come into being and the anomaly will not be considered." The Finance Ministry says, "Since it is time-barred, we will not accept it." I have to run to the Finance Ministry, the Human Resource Ministry, the Home Ministry and the Health Ministry, where most of the employees are working. This is the condition of the employees. Then I come to the queston of funds. The funds relating to the Union Territories are added in the budget of the Home Ministry. If the hon. Home Minister is kind enough, and if he allows some funds, then we can run the State; otherwise, we are starved of funds. We cannot get the loans independently. The grants are given by the Home Ministry and, therefore, they think that we are that their mercy. As far as our Union Territory is concerned, we have adjusted ourselves according to the financial conditions and we have reached the target fixed by the Finance Ministry for the purpose of getting Statehood. Sir, then they said that the population was the criterion, afterwards they said that the financial viability was the criterion. Now, when they have crossed all the barriers, they are telling that the Government agrees in principle. The Central Government, in principle, has not decided so far whether the Union Territories will be given Statehood or not. Now, I do not know when they will decide in principle to remove the concept of the Union Territories. Sir, when I approached the hon. Home Minister and the Minister of State for Home, who is also getting suffocated in Lakshadweep having a Union Territory status, neither here nor there, and whenever the Ministry wants,

they send the officers for a holiday in our State and when they find that the particular officer is working efficiently, they will withdraw him from that State and ultimately, we are left in the lurch. This is what you are doing in service matters. Now, the Fifth Pay Commission has come for the Government employees. I do not know the anomaly that has continued since the time of the Third Pay Commission and the Fourth Pay Commission and now the Fifth Pay Commission has come and this century will be over. Sir, the letters had been written to the Home Ministry in the year 1986 regarding the anomaly and the correspondence is still going on. I saw some of the files when I was called for discussions relating to the pay fixation of the Government employees and I found that the file had been sent to the State Government for getting clarification. Sir, in that process more than three years have elapsed and most of the employees who were to get the benefit have since retired. Now, they are not coming to Delhi because they have retired from their services. Shri Krishan Lal Sharmaji is sitting in Delhi, his Chief Minister is in Delhi and he knows how to get the work done. But, these people have to come from a place which is 2,500 kms away from Delhi. We people have to come from 2500 kilometres away from Delhi and you are trying to control us from there. The situation is that Pondicherry is in Tamil Nadu area. Karaikal is 150 kilometres away from Pondicherry, Mahe is about 500 kilometres away near Kerala; and Yanam in Andhra Pradesh area is another 600 kilometres away from Pondicherry. It is dispersed in four areas. We have got a separate administration for the purpose of runing the State. The Joint Secretary or even the Deputy Secretary does not even come there. The hon. Minister has been kind enough to visit our State at least once in a year. But, unfortunately, not even a Deputy Secretary or an Under Secretary comes to our State for the purpose of service matters or for the purpose of solving problems then and there. This is the sorry state of affairs which we have been experiencing in our State. So far as the developmental activities are concerned, we have been moving very fast. I had supported the Chief Minister of Delhi as far as allocation of funds is concerned for the development of Delhi, for sanitation, education, health etc. Delhi has to be given more funds by the Central Government. Most of the revenue comes from the States and it is being taken by the Centre. Why don't we allocate more funds to the States? We also wanted more funds for our State but as far as finance is concerned, they are very strict. I agree with them, if they should adopt a different pattern, a liberalised pattern for Union Territories as compared to the States. When it comes to the question of recruitment of people in the Union Territories, they say, we must impose a 10 per cent cut. This is applicable to States as well Union Territories. We do not get any concessions from the Finance Ministry. The Finance Ministry says, 'No, we will not agree because we want economy measures". They are not giving any concessions to the Union Territories. Whenever a problem arises a basic constitutional problem, and there is a difference of opinion between the Lt.— Governor and the Council of Ministers who will solve it?

There is an elected Government and that Government has got the power to decide on policies. The elected representatives got the people with some party programmes and policies. The people repose confidence in them and give them the votes. And then they come to power. But when the Governor vetoes it, what is the remedy? We do not have any remedy. The Home Ministry says, "We will try to compromise." Where is the question of compromising with regard to the policies and programmes of the State Gov-

ernment? Therefore, Sir, it is high time the hon. Minister considered it. We are neither at the Union Territory level nor at the State level. We are in between. Supposing there is no Legislative Assembly, all right, let it be Lakshadweep or Andaman Islands. But as far as Delhi and Pondicherry are concerned, there is a Legislative Assembly. We have got an elected Chief Minister and a Council of Ministers. But we have no authrity to function. We have no authority to exercise the consttutional right that has been provided in the Constitution for the purpose of running the State. Therefore, one aspect which Krishan Lalji has brought out and which I have also mentioned on earlier occasions ts about the provision that has been brought.....

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Are the provisions in Pondicherry similar to those of Delhi?

SHRI V. NARYANASAMY: Yes, they are more or less the same. As I said initially, as far as service matters are concerned, we do not have any Services Commission for recruitment and appointment of staff for various departments.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): In the Assembly also?

SHRI V. NARAYANASAMY: In the Assembly also we are getting people from other departments for the purpose of working.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Mr. Narayanasamy, I have gone through the entire Act as passed by this House and the only Section which puts restrictions on laws to be passed by the Assembly is section 21 of the Dtlhi Act. That is the only section whith says Restrictions on laws passed by Legislative Assembly with respect to certain matters" and that Section 21 simply says:

"(1) The provisons of article 286, article 287 and article 288 shall apply in relation to any law passed by the Legislative Assembly with respect to any of the matters referred to those articles as they apply in rela to any law passed by the Legislatu of a State with respect to those matters.

(2) The provisions of article 304 shall, with the necessary modifications, apply in relation to any law passed by the Legislative Assembly with respect to any of the matters referred to in that article as they apply in relation to any law passed by the Legislature of a State with respect to those matters."

So, any restriction imposed on the Assembly for passing any law is in relation to articles 286, 287, 288 and 304. Article 286 of the Constitution relates to restriction as to imposition of tax on sale or purchase of goods. Article 287 relates to exemption from taxes on electricity. Article 288 relates to exemption from taxatton by States in respect of water and electricity in certain cases. Probably, according to section 21 of the Government of National Capital Territory of Delhi Act, the only restrictions imposed are under arttcles 286, 287, 288 and 304. That means, specifically article 187 has not been mentioned. Article 187 has not been excluded. So, naturally, The State Assebly of Pondicherry or Delhi can resort to a law under article 187 of the Constitution. It will go to the assent of the Lt. Governor or the President, and tf they give the assent then there is no repugnancy with the provisions of the law. What is not prohibited by law is permitted by law. So, thts law does not prohibit he enactment of a law for service conditions of the Assembly Secretariat under article 187. Otherwise, the whole Bill completely contains the traits of an Assembly: the Lt. Governor is there, procedure has been given for electtons, disqualification, Anti-Defection law has been made applicable, and so many other provisions have been made. excepting that in the case of other

that in the case of other Assemblies, separate provision has not been made as has been made in the case of Delhi and Pondicherry. The provisions of the Constitution are sufficient.

SHRI JAGDISH PRASAD MATHUR: It means that the Central Government has been acting rather against the provisions of the Constitution.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): No, the Central Government has not been acting against the provisions of the Constitution. It is the Delhi Government or the Delhi Assembly which has to assert its rights under article 187. You pass the law and send it for consideration. That is my interpretation, that's all. It is not a ruling, it is an interpretation.

SHRI V. NARAYANASAMY: It is only an interpretation of the Chair.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Not the Chair.

SHRI V. NARAYANASAMY: I have my own observations on this. Article 239A relates to "Creation of local Legislatures or Council of Ministers or both for certain Union territories."

"Parliament may, by law create for the Union territory of ...Pondicherry

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or

(b) a Council of Ministers, or both with such constitution, powers and functions in each case, as may be specifitd in the law."

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): This is important "or both with such constiution, powers and functions, in each case, as may be specified in the law." So this has been specified in the law, and section 21 says these are the restrictions and you cannot pass a law like this.

SHRI V. NARAYANASAMY: Sir, let me come to another aspect also. Another amendment was made when the National Capital Territory of Delhi was formed. That was article 239AA. In article 239AA the following provisions have been made:

"(1) As from the date of commencement of the Constitution (Sixty-ninth Amendment) Act, 1991, the Union territory of Delhi shall be called the National Capital Territory of Delhi (hereafter in this part referred to as the National Capital Territory) and the administrator thereof appointed under article 239 shall be designated as the Lieutenant Governor.

(2) There shall be Legislative Assembly....."

Now, under Article 239AA, provision (c) is important. It says:

"(c) The provisons of articles 324 to 327 and 329 shall apply in relation to the National Capital Territory, the Legislative Assembly of the National Capital Territory and the members thereof as they apply in relation to a State, the Legislative Assembly of a State and the members thereof respectively; and any reference in articles 326 and 329 to 'appropriate Legislature' shall be deemed to be a referesce to Parliamtnt."

Then, Sir, 3(a) gives legislative powers to the State Legislature. It says:

"Subject to the provistons of this Constitution, the Legislative Assembly shall havt power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in so far as any such matter ts applicable to Union Territoties except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18."

Therefore, Sir, there is a prohibition as far as the State services are concerned. When this has been enumerated in the Constitution itself, unless and until an amendment is brought to article 239AA, sub-clause (3) (a), it will not be possible.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Then, you come to (c). Read it.

SHRI V. NARAYANASAMY: I will come to all the psovisions.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): No, no. Read only (c).

SHRI V. NARAYANASAMY: (c) reads:

"If any provision of a law made by the Legislative Assembly with respect to any matter is repugnant to any provision of a law made by Parliament with respect to that matter...."

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): That means that Parliament has made a provision with regard to a partticular matter, and the Assembly passes a law which is repugnant to that. Then, that law will not prevail, but this law will prevail. Now, Parliament has not passes any law with regard to conditions of recruitment to services for the Assembly. So, the Assembly can pass it under (c).

SHRI V. NARAYANASAMY: No, no. As far as the Unton Territories are concerned, service matters are neither under the State List nor under the Concurrent List.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): But the point is not free from difficulty.

SHRI V. NARAYANASAMY: Sir, the hon. Member has brought the Bill (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): This may be examined. You can advise your State Government to examine tt.

श्री कुलदीप शर्मा : उपसभाध्यक्ष महोदय, मैं आपसे एक स्पष्टीकरण चाहता हूं कि आखिर आपको ऐसा लगता है या नहीं कि नेशनल कैपिटल टेरिटरी ऑफ दिल्ली जो है और जो आम लेजिस्लेचर्स है, इनमें कोई फर्क है ? अगर फर्क है तो वह क्या है ? और वही फर्क क्या इस बात के राह्ते में अड़चन तो नहीं है कि जो आप कह रहे हैं कि

Under article 187, they can pass a law.

आप देखिए मैं आपको बताऊं कि हमारी दिल्ली को असेंबली के मैंबर्स राष्ट्रपति के इलक्शन में वोट नहीं कर सकते। क्यों क्यों आखिर इनको जो आम चीजें होती हैं, उससे थोड़ा बहुत अलग रखा हुआ है ? तो अनलेस सारी जो एनॉमलीज हैं, अगर असेंबली में इनको इंडिपेंडेंट मेन्शन नहीं किया है तो इसमें कई प्रॉब्लम्स हैं, इसलिए मैं यह मूव कर रहा हूं... (व्यवधान)..

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Sharmaji, you have misunderstood me. I am on a limited point of application of article 187 of the Constitution. It refers to the composition of a separate Secretariat for he Assembly. So far as other matters are concerned, your points are valid.

SHRI V. NARAYANASAMY: Sir, in principle, I agree with him that there should be separate staff controlled by the Speaker. I don't have anything against it. But, for that, in the larger interest, we should have a State. Otherwise, we should have a provtsion passed by Parliament for the purpose of giving benefit to the State Legislatures of Delhi.

Sir, this says:

"Provided further that nothing in this sub-clause shall prevent Parliament from enacting at any time any law.

with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly."

Therefore, Sir, the powers of Parliament are so large that even if the State Government approaches it, it can also do it through a legislation. Therefore, as Jagesh Desai has pointed out, constitutionally you are approaching Parliament with an amendment to the National Capital Territory of Delhi Act, 1993. It is not correct because technically you are not correct in bringing the Bill. In principle. I agree with you as far as your claim relating to having a separate body for the purpose of running the Legislature, under the control of the Speaker is concerned. I don't have any objection to that. Therefore, I have been pleading for the last half an hour that the case of the Union Territories should be considered by the Home Minister for the purpose of giving them Statehood. Then all these anomalies will go. As far as the question of promotion of officers is concerned, nrmally a person who has worked in the State Service for 12 or 13 years, if he is an LDC, be becomes UDC and a UDC becomes a Section head and then Under Secretary. But in our State a person cannot reach the level of a Joint Secretary, because by the time we get an approval from the Home Ministry, the man retires. I am not blaming the Minister because the work in the Home Ministry is very large. Today the Minister is busy in TADA, tomorrow he will be busy in a law and order problem in another State.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): He is busy in TADA, but he is not booked under TADA. And if you go on speaking, he will book you under TADA.

SHRI V. NARAYANASAMY: Sir, we both come from Union Territories. Therefore, I have got an opportunity to say. Moreover, since Shri Sharma is joining our bandwagon, there is no problems.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Now, please conclude.

SHRI V. NARAYANASAMY: Sir, I have got a lot of points to mention. (Interruptions) Madam, this is an opportunity given to the Union Territory people to raise their voice. Why are you cutting my throat in this?

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Mr. Narayanasamy, you have been carried away by emotions so much that you do not differentiate between the Minister and the madam.

SHRIMATI KAMLA SINHA (Bihar): Sir, I did not utter a word and he says I am cutting his throat. How can I cut his throat?

SHRI V. NARAYANASAMY: You are not cutting my throat. Your giving signal shows that.

SHRMATI KAMLA SINHA: How can I give a signal to you?

THE VICE-CHAIRMAN (SHRI SATISH AGGARWAL): Now, please conclude.

SHRI V. NARAYANASAMY: Sir, I will make two or three demands on behalf of the Union Territories. The first is that the Central Government should immediately decide when the Legislatures unanimously pass a resolution irrespeitive of the fact which political party rules there. For the last ten years there has been a unanimous resolution that the Union Territory of Pondicherry should be made a State. Other Union Territories are also making the same demand. Even the Chief Minister of Delhi, whenever I meet him. asks me to raise the issue of Statehood for Delhi, because we all come from the Union Territories. I agree with him. The Centre is keeping the powers over the affairs of the Union Territories with itself. Why does the Centre not pass oon these powers to the Union Territory administration? Whenever there is a

lapse, the State Chief Minister is blamed and whenever a good work is done, it is claimed by the Centre. This is the case as far as the Union Territories are concerned. There is the case as far as the Union Territories by the Censral Government, especially by the Home Ministry. Sir, we had all the hopes that the Union Territory man, who knows all the problems of the Union Territories, became the Minister of State for Home Affairs. When the problems of the Union Territories were not solved, the present Minister of State for Home Affairs, when he was a Member of Parliament in the other House, even went to the all of tht House to have their grievance redressed. This was done when he was a Member of Parliament. Today he is Minister of State for Home Affairs and is looking after the Union Territories also. He has visited my State and has seen the problems himself. A lot of industries are coming up there. In the agriculture sector there is improvement; in the service sector many things have to be done. Today, in the judicial area, there is a lot of confuston there. In the High Court, a verdict has been given that there should not be a separate Law Secretary. Only the High Court should have control over the judiciary there. The judiciary has been taken over by the High Court in Madras. Now, they are bringing in an amendment before Parliament for giving powers to the High Court of Madras to control the judiciary in my Union Territory. For service matters, for developmental activtties, for everything we have to come here. For even a small work of promotion of an officer or for a recruitment, we have to get clearance from here. When the question of delegating powers to the Union Territories comes, they close their eyes. It is high time that the hon. Minister considered the demands of the Union Territories. When I met Shri Manoranjan Bhokta, who is a Member from the Andamans, which is 2,000 kilometres away from Calcutta, he says the problems of his area are not being solved. He said that their problems are not being solved, whether it is service sector or whether it is the agricultural sector or whether it is the development sector. So far as solving the problems of Andaman and Nicobar Islands is concerned they close their eyes. In order to reach Lakshadweep, we have to catch a ship from Cochin. In takes 16 hours. The people living there are at the mercy of the Home Ministry. The problem of Chandigarh is peculiar. On the one side they are being crushed by the Chief Minister of Punjab and on the other side they are being crushed by the Chief Minister of Haryana. That is why the problems of Chandigarh are not being solved. In Dadra and Sagar Haveli, industrial development has to take place. So, these are the problems of the Union Territories

SHRI SATYA PRAKASH MALAVIYA: Chandigarh Administration comes under the Governor of Punjab, not unter the Governor of Haryana

SHRI V. NARAYANASAMY: I agree with you. But will take care of the development work in Chandigarh? A separate budget has been provided to the secretariats of the two State and the Secretariat of the Union Territory of Chandigarh. They take care of their own interests. About the welfare of the Union Territory of Chandigarh, who will take care of it? These are the basic problems and the hon. Home Minister knows about these pretty well.

Let us do away with the Union Territory business. In this House I had brought a Bill two or three times for granting Statehood to the Union Territory of Pondicherry. Unfortunately, that Bill did not materialise. It is high time that Mr. Krishnan Lal Sharmaji agreed with me on getting Statehood. The thrust of his speech was only for Statehood. The basic thrust of his Bill was for Statehood. I think by getting Statehood for our Union Territories, we will be solving the unemployment among our younger people and we will be solving the problem of services also.

We are providing 100 per cent medical facilities to the people of Pondicherry. ..(*Time-bell rings*).. Now, I am going to mention about achievements. Within five minutes I will finish. Pondicherry has been declared a 100 per cent literary State. All the villages have been provided with electricity. Roads have been constructed. Sanitation facilities have been provided. Even in villages we have provided medical facilities. Within the available infrastructure, we are developing the Union Territory. If we are given Statehood, we will have powers to implement various developmental projects. There would be no delay. I am very much worried about the delay part of it. Any proposal has to be approved by the Lt. Governor. Then it is forwarded to the Home Ministry. Then the Home Ministry forwards it to the Finance Ministry. Then, the Finance Ministry has to give its approval. After its approval, it comes back to us by the same route. Therefore, these are the basic problems which he Minister also knows. We have taken up these basic problems with the Senior Minister. The political leaders and the Chief Minister from Pondicherry came and made a representation to the hon. Home Minister. The Minister should consider the problems faced by the Union Terirtories in toto. These are all small matters which the hon. Member has brought forward. One matter relates to giving powers to the Speaker for the purpose of constituting staff for the Assembly. This is a small matter. But the larger interest is Statehood which will definitely take care of the interest of the State. Earlier we had the British Raj. Now we do not want the Home Ministry Raj. We want a separate independent legislature to function. The will of the people should prevail. The people of the Union Territory have elected us to power. We have to deliver the goods to them. When you are not allowing us to function by keeping an Administrator and by keeping a person who wanted to destroy the democratic system in the State, we do not want such a kind of thing to be done. The Home Ministry also should not stand in the way. These are the basic issues. So for as Mr. Sharma's Bill is concerned, let the Home Minister tell him that the State Government can approach the Home Ministry. Then, the Home Ministry can consider giving powers to the Union Territory or whatever he wanted.

As far as the larger interest is concerned, let the Minister take up the issue of Union Territories and try to solve the problems and consider giving Statehood for the Union Territories, whosoever wanted. Thank you.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Thank you, Mr. Narayanasamy. Your speech was illuminating.

SHRI JAGDISH PRASAD MATHUR: Mr. Vice-Chairman, I have to make a request to the Home Minister In the background Sir, of our interpretation of article 187 I would request him to bring more clarity and exactness to our discussion. What is the Government's interpretation of the preset law? If the Assembly passes a law giving powers to recruit under article 187, does the Government agree with that? Or do you debar, as Mr. Sharma has said, on the ground that the State Assembly has got no power to recruit its own staff? What is the Government's interpretation of the present legal and constitutional provision? I think Mr. Minister, your intervention on this small point would provide us a proper background to discuss the matter in its proper legal perspective.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Why do you drag the noble Minister into these legal complexities?

SHRI P. M. SYEED: Sir, you have already given your ruling. (*Interruptions*). I do not want to add anything more. Otherwise, my interpretation and my giving clarity to

the point may reduce the intensity of the discussion that is taking place.

SHRI JAGDISH PRASAD MATHUR: It is a very good way, gentle way, to evade the issue.

SHRI P. M. SAYEED: Mathurji, I will be giving my explanation while giving the reply, not now.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Gentlemen always evade issues gently.

...(*Interruptions*).

SHRI JAGESH DESAI: Sharamji should have come forward with a positive amendment. Definitely it could have been considered. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Shri Sangh Priya Gautam.

श्री संघ प्रिय गौतम : (उत्तर प्रदेश) : उपसभाध्यक्ष जी, आपका भी बहुत बड़ा अनुभव है और यहां पर बड़े ही विद्वान, अनुभवी साथी बैठे हुए हैं । मेरा तो बहुत छोटा ज्ञान है । लेकिन शुरू में ही माननीय देसाई जी ने एक आपत्ति उठाई थी कि श्री कृष्णलाल शर्मा जी द्वारा प्रस्तुत विधेयक तो संविधान में संशोधन वाला विधेयक है ।

उपसभाध्यक्ष (श्री सतीश अग्रवाल) : वह तो क्वाइट खत्म हो गया है ।

SHRI SANGH PRIYA GAUTAM: I want to make it more clear.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): It is abundantly clear. I have already overruled that point.

AN HON. MEMBER: Probably, the point is not clear to him.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): If there is any other point, you can speak on that.

SHRI SANGH PRIYA GAUTAM: I do not want to re-open that.

लेकिन अब जब आपने उसमें रूलिंग ही दे दी है ।

माननीय, पहले दिल्ली नगर निगम...-

श्री पी० एम० सईद : मगर आप अपना दृष्टिकोण रखिए ।

श्री संघ प्रिय गौतम : मैं रख रहा हूं ।

दिल्ली महानगर परिषद थी । महानगर परिषद के पार्षद चुने जाते थे और उनमें भी कार्यकारी पार्षद और मुख्य कार्यकारी पार्षद होते थे । उन्हें घोड़ागाड़ी भी मिलती थी, लाल बत्तियां भी मिलती थीं, मकान भी सस्तियों जैसे मिलते थे, अन्य सुविधाएं मिलती थीं । लेकिन राजनैतिक दलों ने अपने-अपने घोषणापत्रों में चुनावों के समय, सबने, पब्लिक के सामने यह वादा किया कि अगर हम सत्ता में आए तो हम दिल्ली को राज्य का दर्जा देंगे और विधान सभा बनवाएंगे । आज वह केवल मंत्री और मुख्य मंत्री नाम बदल गया है । हमारे यहां ब्रज में एक कहावत है ।

"चाहे तीस के तेरह कर दे,
पर नाम दरोगा धर दे ।"

यानी उतावले इस बात के लिए थे नाम के आगे मंत्री और मुख्य मंत्री लिखा जाए । यह सब राजनैतिक दलों के लिए मैं कह रहा हूं । सत्ता में वे यानी कांग्रेसी आते तो उनका भी यही दृष्टिकोण होता । उन्होंने भी यही वादा किया, हमने भी यही वादा किया । तो उतावलापन मुख्य मंत्री शब्द लिखे जाने का और मंत्री शब्द लिख जाने का था लेकिन दिल्ली का स्वरूप क्या होगा, हमारे अधिकार क्या होंगे और दिल्ली को हम संरचना किस प्रकार से करेंगे इसकी तरफ ध्यान नहीं था । चुनांचे यह विधेयक दिल्ली से संबंधित बड़ी जल्दबाजी में लाया गया । उपसभाध्यक्ष जी, चूंकि आपने अपनी रूलिंग पहले ही दे दी है और शर्मा जी का जो विधेयक है वह बड़ा सीमित है । उसका नाम भी यही है । संविधान संशोधन की कोई इसमें बात नहीं है ।

मैं एक प्रश्न पूछना चाहता हूं गृह मंत्री जी आपसे, कि दिल्ली में केन्द्र सरकार भी है और दिल्ली तथाकथित राज्य भी है लेकिन एक गांव की भाषा में पांचवां पांव बीच में एक अंडमान निकोबार टापू भी है जिसका नाम है "एन.डी.एम.सी" नई दिल्ली नगर पालिका"। यह तीसरी और चीज है। अब आप मुझे वह बतलाइए कि आपकी पुलिस, केन्द्र सरकार के अधीन है... । आपने दिल्ली सरकार को पुलिस क्यों नहीं दी? इसके पीछे लॉजिक क्या है । मैं आपसे प्रश्न पूछ रहा हूं, क्या आपको दिल्ली सरकार की दक्षता पर कोई संदेह था कि अगर हमने पुलिस दिल्ली राज्य को दे दी और यहां केन्द्र की राजधानी है प्रधानमंत्री, मंत्री और सारे यहां पर विदेशों के राजदूत रहते हैं, इनकी सुरक्षा का क्या होगा और दिल्ली में कानून व व्यवस्था की क्या स्थिति होगी? मैं आपसे पूछना चाहता हूं कि क्या आज दिल्ली में कानून और व्यवस्था ठीक है? क्या हत्याएं नहीं हो रही हैं ? क्या लूटमार नहीं हो रही है . ? (व्यवधान) क्या बलात्कार, अपहरण आदि जैसे गंभीर अपराध नहीं हो रहे हैं?

उपसभाध्यक्ष (श्री सतीश अग्रवाल) : इससे आपकी तो बदनामी नहीं हो रही है ।

श्री संघ प्रिय गौतम : हमारी भी बदनामी हो रही है ।

उपसभाध्यक्ष (श्री सतीश अग्रवाल) : कहां हो रही है।

श्री संघ प्रिय गौतम : गांव का आदमी, मामूली आदमी, बगैर, पढ़ा-लिखा आदमी यह नहीं जानता कि यह जो पुलिस है यह केन्द्र सरकार की है । सब लोग कहते हैं कि दिल्ली में पुलिस बड़े अत्याचार कर रही है । और दिल्ली पुलिस मतलब है कि दिल्ली की सरकार और दिल्ली की सरकार का मतलब है संयोगवश आज भारतीय जनता पार्टी की सरकार, मदन लाल खुराना जी की सरकार । कलको हो सकता है कि कांग्रेस की सरकार हो जाए, मैं इस बात को यहां नहीं कहता, हो सकता है क्योंकि राजनीति तो एक साईकिल के पहिए की तरह है । नीचे का निशान ऊपर और ऊपर का नीचे और यह होता ही रस्ता है।.... (व्यवधान) देखिए, ईमानदारी की बात कहने का मेरा प्रयास रहा है आपकी तरह।.. (व्यवधान)

श्री जगेश देसाई । जैसा आप करते रहते हैं वैसा ही है।

श्री संघ प्रिय गौतम : आपकी तरह पर ऐसा रहा भी है । यहां पर जनसंघ या कांग्रेस या भारतीय जनता पार्टी और कांग्रेस ये दो अदलते-बदलते दिल्ली में रहे हैं और तीसरा यहां कोई आया नहीं और न आएगा। वह वोट खराब करेगा चाहे लोक सभा के चुनाव में करे और चाहे विधान सभा के चुनाव में करे । बाकी यहां दोनों के आलावा तीसरा आने वाला भी नहीं है। जो यहां का स्वरूप बन गया है । आज राहजनी है, रहजनी है, चेन पुलिंग है, मर्डर है बलात्कार है और पब्लिक करे तोकरे लेकिन पुलिस खुद कर रही है। पिछले एक साल में कई दर्जन पुलिस के इंसपैक्टर सब इंसपैक्टर, सिपाही रिश्वत लेते हुए पकड़े गए और उन पर मुकदमे चले । सरकार कौन थी, पुलिस कौन थी, केन्द्र सरकर की। क्या लॉजिक है आप मुझे बता दीजिए कि पुलिस दिल्ली हरकार के अधीन नहीं है...? **(व्यवधान)**

उपसभाध्यक्ष (श्री सतीश अग्रवाल) : आपके इस प्वांयट में क्या लॉजिक है कि अपराध हो रहे है, चेन पुलिंग हो रही है, फलाना हो रहा है? तो नेया वह दिल्ली की सरकार के पास पुलिस आ जाएगी तो यह बंद हो जाएगा ? लॉजिक ऐसा दीजिए और पुलिस का करेक्टर जो है, वह है। वह केन्द्र के पास रहे या किसी के पास रहे। आप तो यह कहिए कि दिल्ली को स्टेटस मिलना चाहिए।

श्री संघ प्रिय गौतम : उपसभाध्यक्ष जी, मैं तो कहने जा रहा हूं, लेकिन यह भूमिका है । यह भूमिका मैं पेश कर रहा हूं।

उपसभाध्यक्ष: श्री सतीश अग्रवाल: आप भूमिका कितनी लंबी बनायेंगे। कमलाजी बैठी हुई है ।

श्री संघ प्रिय गौतम पहले 47 मिनट नारायणसामी जी ने। तो मैं आपसे अर्ज कर रहा हूं कि यह भूमिका है उसी लिए मैं कह रहा हूं कि इसके पास लॉजिक क्या है? आपने पुलिस को क्योंनहीं दिल्ली को दिया?

क्या आपको शक था ? दूसरे आज वहां पर दिल्ली ट्रांसपोर्ट कार्पोरेशन है । क्या यातायात नियमों का उल्लंघ नहीं हो रहा है ? क्या रोजाना निर्दोष आदमी बसों से कुचले नहीं जा रहे हैं ? क्या आज वर्कस की छटनी नहीं हो रही है ? क्या डीटी.सी घाटे में नहीं चल रही है ? क्या लॉजिक है इस डी.टी.सी को केन्द्र सरकार के पास रखने का ? मैं वहीं पर आ रहा हूं और फिर आपके यहां जो डी.डी.ए है, उसके बनाई हुई बिल्डिंग अॉकूपाई होने से पहले नहीं गिर जाती क्या एक दिलशाद गार्डन में पूरा का पूरा ब्लाक बनते ही सारा ध्वस्त हो गया । क्या यह नहीं हुआ ? सब आपकी इनएफीशिएंसी है, अदक्षता है और वह सारी कमियां मौजूद हैं। अगर आप इस दिल्ली सरकार को राज्य सरकार का पूरा दर्जा दे देते तो आज यह प्रश्न नहीं उठता ।

श्री पी. एम. सईद : क्या फिर बिल्डिंग नहीं गिरती ?

श्री संघ प्रिय गौतम : मैं कहता हूं कि नहीं गिरती अगर गिरती तो जिम्मेदारी उनकी होती और अब जिम्मेदारी आपकी है । आज भी उन्हीं की जिम्मेदारी है मगर अन्य बातों में और अब मैं आपसे पूछता हूं कि दिल्ली को बिजली नहीं मिलती तो गाली किसको मिलती है ?

सेंट्रल गवर्नमेंट को नहीं, दिल्ली की सरकार को कि बिजली नहीं आ रही है और "डेसू' किसके हाथ में है इसलिए आज जो आवश्यकता है संशोधन की वह नहीं पड़ती अगर दिल्ली को आप पूरे राज्य का दर्जा दे देते ।

उपसभाध्यक्ष जी, अभी जैसा कि शर्मा जी ने ध्यान दिलाया कि यह दिल्ली तो त्रिशंकु की तरह से है, यह न तो राज्य है और न ही केन्द्र शासित राज्य है। यह एक ही मामले में नहीं है आप इसका नाम भी देख लीजिए । इसका नाम रखा है, "राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली शासन।" यह कितना लंबा नाम है लाम सीधा होता है, जैसे कि उत्तर प्रदेश राज्य, मध्यप्रदेश राज्य, केरल राज्य और कर्नाटक राज्य। तो दिल्ली राज्य के लिए इतना लंबा नाम लिखने की आवश्यकता क्यों पड़ी ? इस नाम को तो आप पढ़ भी नहीं सकते हैं।

दूसरे उपसभाध्यक्ष जी, मेरे सामने एक बड़ा धर्म-संकट है। एक है "नेशनल कैपिटल रीजन" यानी एन०सी०आर० और यह हैं "नेशनल कैपिटल टैरिटरी।" तो जरा टैरिटरी और रीजन का अंतर मुझे आप समझा दीजिए क्योंकि अंग्रेजी मैं कम जानता हूं। पहले कहते थे "यूनियन टैरिटरी अॉफ दिल्ली" और हिंदी में कहते हैं "संघ शासित राज्य"। अब दोनों में क्या अंतर है ? एक तरफ एन. सी. आर. यानी नेशनल कैपिटल रीजन जिसमें कि उत्तर प्रदेश के भी जिले है, हरियाणा के भी भी जिले है, राजस्थान के भी जिले हैं और वहां इसका अधिकार क्षेत्र नहीं है और दूसरा है यह नेशनल कैपिटल टैरिटरी अॉफ दिल्ली। तो यह भी बड़ा भ्रमात्मक है। मैंने पहले भी कहा कि मैं अंग्रेजी नहीं जानता हूं। हो सकता है मैंने अर्थ में लगाया हो, लेकिन मैंने पहले आपको बता दिया दि थे कि केन्द्र शासित राज्य टैरिटरी को कहते थे और अब इसको क्या कहते हैं. तो आप दिल्ली को पूरा राज्य का दर्जा दे दें। मुझे आपत्ति नहीं है यदि आप पांडिचेरी को भी दे दें । . . (व्यवधान) . .

श्री सत्य प्रकाश मालवीय : लक्षद्वीप को भी ।

श्री संघ प्रिय गौतम . और इनको बेचारों को क्या देंगे ? इनका नाम है "प्राइममिनिस्टर सईद" : श्री पी.एम. सईद । ये 1952 से लगातार कांग्रेस के एम. पी. बनते आ रहे हैं, लेकिन आज भी राज्य मंत्री है। आज भी इनकी कैबिनेट मिनिस्टर नहीं बनाया है। इनको क्या देंगे ? ये लगातार 52 से लोक सभा में आ रहे हैं । शायद ही इतना पुराना कोई लोकसभा का सदस्य होगा। इनका नाम है पी.एम. सईद "प्राइम मिनिस्टर सईद", लेकिन ये आज तक कैबिनेट मिनिस्टर नहीं बने हैं क्योंकि बेचारे शेड्यूल्ड ट्राइब के हैं। मेरी इनफॉर्मेशन गलत तो नहीं है ? तो उपसभाध्यक्ष जी, मेरा सबमीशन यह है कि हमने पहले जो कानून बनाया है, उसमें संशोधन हम कर सकते हैं। यह सदन सक्षम है इस संशोधन को करने के लिए। मैं तो यह कहूंगा कि अगर आप वास्तव में न्याय करना चाहते हैं और आपकी नीयत सही है तो या तो फिर से बहस हो जाए, चर्चा हो जाए और आप लॉजिकली प्रमाणित कर दें कि दिल्ली को पूरे राज्य का दर्जा हम इसलिए नहीं दे रहे हैं ? आप साबित कर दें, हां उस में मतदान करा लें, बहस कर लें और अगर हाँ उस

सर्वसम्मति से पास कर देते तो ठीक है, वरना लॉजिक क्या है इसके पीछे ? इसलिए मैं आपसे प्रार्थना करूंगा कि यह संशोधन तो मामूली है और इसे सदन स्वीकार कर ही ले, लेकिन पुनर्विचार करके संविधान में भी यदि संशोधन करना पड़े तो करें और दिल्ली को पूर्ण राज्य का दर्जा देना चाहिए

SHRI VAYALAR RAVI: Sir, I am unable to agree with this Bill for various reasons. First of all, it will go against the very spirit of the Constitution and the provisions of the Constitution. Secondly, an inherent danger is hiding in this Bill which is a prelude to making an attempt for full Statehood for Delhi. It will go against the very spirit of the federal structure because it is a Capital Territory. It needs an elaboration. Sir, I will first deal with the Constitutional provsions as you have pointed out. You have rightly pointed out article 187. I do not want to read it because it will take a lot of time. This article is applicable to every State. It involves simple logic. Tomorrow, if UP is divided into two States, that is, Western UP and Eastern UP—I am not saying that you are dividing the State—two new States will be created. The BJP has promised it. In that case, article 187 automatically becomes applicable to both the States. This is because of the creation of a new State. Article 187 applies to any State. The amendment that was made earlier, that is, article 239(A) is not applicable here. This is my first point. The Constitution itself provides for this. The farmers of our Constitution had made this law very clear. Article 187 says:

"(1) The House or each House of the Legislature of a State shall have a separate secretarial staff:

Provided that nothing in this case of the Legislature of a state having a Legislative Council, be construed as preventing the creation of posts common to both Houses of such Legislature.

(2) The Legislature of a State may by law regulate the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the House or Houses of the Legislature of the State.

(3) Until provision is made by the Legislature of the State under clause (2), the Governor may, after consultation with the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed to the secretarial staff of the Assembly or the Council and any rules so made shall have effect subject to the provisions of any law made under the said clause."

Here, in our House, the administrative authority is with the Chairman and the Secretary General. In the Lok Sabha, it is with the Speaker and the Secretary General. It is the same in the case of Legislative Assemblies. The Union Territories do not attract the provisions under article 187 of the Constitution. The Government of National Capital Territory of Delhi also does not attract this provision. It is because of the amendment, that is, article 239(aA) There is a Bill—the Sixty-ninth Amendment Bill, 1991. Why has it not been provided? It has not been provided because Delhi is (aa) a Union Territory. So, it does not attract the provisions as laid down under article 187. Otherwise, it will go against the Constitution. My hon. friend is trying to gain more powers indirectly. Secondly, there is an inherent danger which I can see here. This is a prelude. This is an attempt to give Delhi full statehood. This I believe will go against the spirit of federal struc-

ture that we have in this country. Delhi is what we call a Capital Territory. Capital Territory means that it is the capital of our nation. I speak Malayalam. My friend Virumbi speaks Tamil. Mr. Vice-Chairman, Sir, you speak Rajasthani and Hindi. My friends from Bengal speak Bengali. We have different cultures, different languages and we are different people. Delhi is a cosmopolitan city. It is a city of people coming from various parts of the country and who speak different languages. But we also merge together at the same time. We have our own traditions, our own cultures and our own languages. At the same time we live together. The Prime Minister, the President — the Head of our nation — live here. This is not a joke. It is not a small thing. My friends from the BJP always talk of terrorism as we all do. The threat of terrorism is not only in India, but it is there all over the world. Terrorism has become a reality and every nation and every State is finding it difficult to fight it. They are battling against terrorism. Terrorism means an enemy within. We are fighting an enemy within the nation. This fight is going on in all parts of the world. So, we cannot take lightly the existence of a national Government, a federal Government in Delhi. People from different parts of the country come and live here. People from different walks of life live together here. Not only the Government servants, but other people are also trying to earn their livelihood on this soil. Complete Statehood means exercise of all the rights of a State. I hope my friend, Mr. Mathur will not get offended if I say one thing. Mr. Bal Thackeray, as soon as his party assumed power, has said that it is his Government and that he can introduce a sort of permit system in Bombay. I am not arguing whether it is right or wrong. I am saying this only as an example. Can we accept that? It is the power of the State. Yes, the State has some powers. If that State wants to call Bombay as Mumbai, it can do so. If we can call Trivandrum as Tiruvananthapuram, Cochin as Kochi, the Maharashtra people can also call Bombay as Mumbai. I cannot object to this. But I say that the State has certain Constitutional powers. The powers are here in the Constitution. These powers have been divided between the States and the Centre. Those powers are in the Concurrent List or in the State List or in the Central List. I am not saying that. What I am saying is that the State has very many vast powers. If a State wants to exercise those powers, it can exercise. One of the major powers of the State is with regard to law and order. Law and order is one of the basic rights of the State. If we take up a question of law and order of Kerala, I will stand up and object. If a question of law and order relating to Uttar Pradesh is taken up in this House, Mr. Janeshwar Misra will stand up and object. If it is a question of law and order of West Bengal, Mr. Bijlab Dasgupta will stand up and object. So, every one of us, in spite of our political affiliations, is one on the point that a law and order issue of a State cannot be discussed in this House. Yesterday, we had a very long discussion on this point. We discussed murders, rapes and many other things. We discuss many things in this House. I hope you remembers — we both were in the other House — that a matter relating to Ms. Chopra was discussed. There was a heated discussion in Lok Sabha.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): It is Geeta Chopra.

SHRI VAYALAR RAVI: Suppose we consider an issue to be a law and order question, can we discuss this in this House? It is not possible.

So, law and order is one of the major subjects on which the State Government assert their authority. Yesterday, Mr. Swaminathan told to Mr. Virumbi and me that this Parliament or these MPs could not dictate what the State Government should do in controlling law and order in the State. Theoretically, he is right. Theoretically, he can say so. So, this question arises. So this Bill will not end here. My point is, Mr. Sharmaji's Bill will not end with the provision of a Secretariat. This is what I am afraid of. This is only a beginning because once it attracts the provisions of article 187, it requires a Secretariat. What kind of a Secretariat is this? It shall be a full-fledged State Legislature Secretariat. It means there is going to be a full-fledged State. It means, all the powers of a State as envisaged in the Constitution have to be transferred to that State. It means that Mr. P. M. Sayeed who is siting here as the Home Minister will no more be a Home Minister with any powers then. It is because once the law and order subject goes to the State, the security of the MPs or Ministers or foreign dignitaries whoever it may be will have to go to the Home Ministry of the Delhi State. Can we accept that position? Mr. Vice-Chairman, I strongly oppose any such position. Nobody who thinks rationally can accept this. This is our national capital. The national capital has its own entity. We claim that entity. I am person from Kerala, claim that entity. I am an Indian national. I claim, yes, it is my capital. I know Mr. Dasgupta will claim that it is his capital. Mr. Malaviya will claim that it is his capital. We claim this entity because we believe that it is our capital and that our capital should not be a part of a State. We live in a particular political system. Political parties may come and go. My party will come to power one day and your party will come to power one day. Your party is in power in Rajasthan. In Gujarat, BJP is in power. We were in power there for some time. So, political parties may come and go. But there are certain basic principles. There are certain basic understandings. There are certain basic philosophies which cannot be changed because the existence of the nation itself will become a major problem if we change these principles. The Federal Government shall have to continue here. Unfortunately, after the new Government came into existence in Delhi, I received many complaints. The people who speak Malayalam and the other people from the South—I am not a parochial person, Sir — who live here, come and tell me that is what is going to happen and that they will all be in a great difficulty. In the area of employment, the sons of the soil will come But then the sons of the soil will come in Kerala and in every other State. Every State will have its own rules and regulations for employment, for admission to professional and medical colleges. etc. The All India Institute of Medical Sciences and many other institutions which are Central Government institutions and which are a part and parcel of the nation, are in Delhi. What will happen if these were to go to the States? So I fear, Sir, if you make this territory a State itself, it is going to open the Pandora's box and it is going to create a big problem.

Sir, Hindi is our national language. I have no quarrel on Hindi at all. I have no quarrel at all. I am one who wants Hindi as our national language. I am for that, I studied Hindi up to the 8th standard. I can still read and write in Hindi very well. The only problem that I have is that I cannot understand it fully. That is my problem. I can speak and I manage somehow or the other. But sometimes, the mean-

ings go just the opposite. That is my problem. So, what I am saying is that I am not anti-Hindi at all. But we should not create an impression that we are imposing a language in Delhi. Language is a medium to understand each other. Definitely, it has to be so. But if you have only Hindi in Delhi, it would create difficulties. I am not accusing you. I am only requesting the leaders of the Bhartiya Janata Party, BJP, to understand the difficulty of our people who come here. Recently, I read a report in the papers. A lady from Orissa came here in a train. She didn't know English. She knew only Oriya. She was harrassed throughout her journey. She could not communicate. Her ticket had been seized. But she landed here and with great difficulty the police rescued her. Many people who are illiterate and who cannot read and write, come to this big city. How to tell them? Maybe, some know a little bit of English. The people from the South know a little of English. They come. So, my main point is that this fanaticism, as is seen in the Delhi administration and its political authority, has created a fear complex in the minds of the people who come and live here from other parts of the country. I want you to look at this from a national point of view. I want that the leadership of the Government of Delhi must look at it from the national point of view. You may love a language. We love a language. But that should not create an apprehension in the minds of those people who come from other parts of the country, be it Orissa or the South or Bengal, that they cannot live in Delhi because they do not know Hindi or because only the sons of the soil can be there. It creates a very big difficulty. Sir, the very concept of National Capital Territory is diluted. This Bill does not aim at merely creating a secretariat. The inherent dangers are these that I am apprehending.

Sir you take the Constitution. Who appoints the Chief Minister of Delhi. The Chief Minister is appointed by the President of India. It is not the Lt. Governor who has the power to appoint the Chief Minister. Under the Constitution, the Chief Minister and the Council of Ministers of Union Territory are appoited by the President. Why does the President appoint them? That is because it is a Union Territory. My hon. friend, Sharmaji was referring to those seven States where the *population is much less as compared* to that of Delhi. Of course, you can refer to them and take that stand. But can we equate Delhi with Tripura? Can we equate Delhi with Pondicherry? No. Delhi is entirely different. Now, if Statehood was granted even to Pondicherry—I wish Mr. Narayanasamy was here, he would have shouted at me—at to Goa, I don't mind. But Delhi is entirely different. It is a Capital territory. It is the national Capital. The national Capital is entirely different from the other Union Territories. When the Bill for the Statehood of Delhi was passed, limited authority was given to the Lt. Governor. Now any attempt to change that will erode the very concept of federalism and it will also go against the Constitution.

As far as law and order machinery is concerned, Sharmaji was saying that the Central Government should not continue to bear the burden of Police and that it should be left to the Delhi Government. I believe I am right because I was listening to the interpretation. But I believe that Mr. Sayeed is capable enough and I hope he has good capacity of administering the Delhi Police. No problem, Sharmaji, my request to you is, don't burden Mr. Khurana and others because they have to do

a lot of things today, especially in slums. A lot of slums are coming up in Delhi. The DDA is there. I agree with you that there are overlapping institutions. I don't mind your co-ordination. I agree with you. The NDMC is there, the DDA is there. You have to divide and demarcate work between the DDA and the NDMC. For that coordination the State Government should have a role to play. You have been elected to a prestigious State, and I am fully with you because you represent the people. I am confident that you will be able to shoulder the responsibility which has been entrusted by the people of Delhi. I have no doubt about it. We may differ politically. But, at the same time, as a nation we are one on that point. I hope that you will agree with me on that point. If at all you think that there should be coordination between the NDMC and the DDA, because the DDA has to do a lot of work, you do that. I believe, the DDA has done a very good work. I remember when Mrs. Indiraji was the Prime Minister I heard a lot of criticism in Parliament when the Asian Games were held in Delhi. Various Opposition parties criticised us. But, I believe the Asian Games were one of the major achievements not only in the field of sports but for the development of Delhi also. Delhi advanced so much because of the Asian Games. Whatever money had been spent for the Asian Games, it was not a waste. It made Delhi one of the most forward cities in the world today. I am proud of Delhi. I have gone to many capital cities of the world, but I am proud of Delhi—our Capital. Our capital is one of the best cities in the world and we should keep the green belt here. If we go to Bombay we see all concrete forests there. Delhi is polluted because of so many vehicles. Sir, when I was a Member of this Sabha I used to drive on Delhi roads, but today I am scared of driving. I don't know whether to drive or not. Sir, it is difficult to drive on Delhi roads. The number of vehicles has gone up very high. The time has come when we should think of a metro railway for Delhi. We should see not only the beauty of Delhi, but the prestige of Delhi. Delhi is the capital of one of the most populous countries in the world. So, whatever money we spend, that should go for the development of Delhi. I think metro-railway is most important and inevitable for Delhi in order to control the pollution, the traffic, and to minimise accidents on Delhi roads. Thousands of people travel at a time. We can't reach our destinations on time. We see ladies waiting outside their offices for buses after 5 o'clock. The moment a bus comes they run after the bus and sometimes they meet with an accident and get killed. Sir, I want to tell you about a particular incident. A printer came to me and I asked him to come the next week. He didn't turn-up the next week. I checked up what happned. When I telephoned for him, I was told that he died the day before. When I asked how, they said that a bus ran over him. So, accidents are becoming a regular feature on Delhi roads. These accidents are occurring because of increasing traffic and reckless driving. So, these are the areas which should attract the attention of the Government and the regulations must be implemented with all strictness. Unfortunately the regulations are applicable only in the VIP areas — only in New Delhi areas where we people live. In other areas it is a free-for-all. All these things are happening. State Government buses from Haryana, Punjab, etc., are coming to Delhi daily. Their movement should be regulated properly. You go to the Red Fort area which is very congested. That area has to be developed. Now, different housing colonies are coming up in Delhi. The DDA has to play its role in developing these housing colonies. So,

here. I agree with Sharmaji that the State Government must have a role. It must have an important role to play in developing Delhi as a most beautiful city, not only a most beautiful city but also it should pay attention to the problems of the comman man. Sir, unfortunately, does one know how much he has to pay to the DDA today? Can one afford? What is the rent today? Can you suppose, if one has to stay in a house in Delhi, it is possible? We are very luckly because we are Members of Parliament. We get Government accommodation on cheap rent. Otherwise, it is very difficult. The rent has gone up. How to bring it down? The DDA and the Delhi Government can jointly operate to have more housing schemes so that the rent is brought down. Priority should be given to it. You should see how to solve the slum problem as well as the housing problem.

Sir, I have seen some photographs published in the "Times of India" last month wherein the plight of some slum dwellers who do not have the 'morning facilities' (*Interruptions*). I know that. I said, co-ordination. I do not mind even handing over to them, not only to co-ordinate. I am only saying that I am supporting Shri Sharma's point saying that the DDA, the NDMC and the Government should co-ordinate together to develop Delhi. Handing over is a different matter and we can discuss this later. But, what about the plight of the poor people? Colony people complain to the police saying that slum people' use *maidan*. The police then come with *lathi* and gun. Police is for law and order. But, they never consider human requirements in the morning. Can't even the minimum facilities be offered to the poor people? (*Interruptions*)

I have seen a photograph showing the police going and arresting. There were some clashes also. It appeared in the "Times of India" last month. What I am saying is a very simple thing. Do not think in terms of legislation or Statehood to create a kind of situation where there would be tension. I do not want any tension in the Capital. No East, West, North or South. No Keep the metropolitan character of the city. Keep city. Keep the national character of Delhi. Let people talk different languages, let them witness different cultures, see different films, dramas and other things. In this way we enjoy together. We forget politics. We enjoy the city. This enjoyment should not be deprived by some kind of a parochial approach, by thinking in terms of Statehood and political overtones. That political overtone will destroy the character of Delhi. That is why I am opposing this Bill. I appeal to Shri Sharma, Sharmaji I am appealing to you that instead of insisting on this Bill you may kindly withdraw it. You have made your points. We also have supported certain points even though we differe on certain other points. Please develop Delhi as a big city and as a good State. We are all one. We can argue with the Government of India to give more money and more revenue and everything to Delhi and also press every day for a metro railway, the underground railway in the city and make the city more attractive. At the same time I hope Shri Sharma will not press this Bill but withdraw it. Thank you very much.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Thank you very much, Mr. Vayalar Ravi for your illuminating speech. Yes, Mr. Satya Prakash Malaviya.

श्री सत्य प्रकाश मालवीय : माननीय उपसभाध्यक्ष जी श्री कृष्णलाल शर्मा जी ने जो संशोधन विधेयक प्रस्तुत किया है उसमें उन्होंने इस बात पर जोर दिया है

कि दिल्ली की जो विधान सभा है उसका जो सचिवालय है, वह स्वतंत्र होना चाहिए। उन्होंने इस संशोधन विधेयक के उद्देश्यों और कारणों में कहा है कि "विधान सभा की स्वतंत्रता बनाये रखने के लिए और कार्यपालिका पर समुचित और प्रभावकारी नियंत्रण रखने के लिए भी यह जरूरी है कि इस विधान सभा का भी अपना एक स्वतंत्र सचिवालय हो"। उन्होंने जो यह विधेयक रखा है वह राष्ट्रीय राजधानी राज्यक्षेत्र शासन अधिनियम, 1991 में संशोधन करने के लिए रखा है। 1991 में, यहां पर जब इस विधेयक पर चर्चा हो रही थी तो उस समय इस बात पर भी यहां चर्चा हुई थी कि दिल्ली को तुरन्त राज्य का दर्जा दिया जाए या तुरन्त राज्य का दर्जा न दिया जाए। उसके पहले जो बालाकृष्णन कमेटी थी, उस पर विचार हुआ था। उससे पहले सरकारिया कमीशन पर विचार हुआ था। विचार होने के बाद जब दिल्ली में 1991 में संसद में विधेयक पारित हुआ तो जिस राजनीतिक दल से श्री शर्मा जी आते हैं इनके दल के लोगों ने और स्वयं श्री खुराना ने भी उसका पूर्ण रूप से समर्थन किया था। यह सही है कि इस विधेयक को काम करते हुए अभी साल-सवा साल हुआ है और उस परिवेश में आज जरुरत इस बात की है कि जो मूल विधेयक है उस पर व्यापक रूप में कोई संशोधन की आवश्यकता है या नहीं है लेकिन मैं इस विषय पर अभी अपना विचार प्रकट नहीं करना चाहूंगा। यह सही है कि हमारे देश में जो केन्द्र-शासित प्रदेश हैं या केन्द्र-शासित स्थल हैं जैसे अंडमान निकोबार, पांडिचेरी या लक्षद्वीप है, यहां के लोगों की उन्नति के लिए, विकास के लिए आवश्यकता है कि केन्द्र सरकार की ओर से उनको ज्यादा मदद दी जाए। इसी को ध्यान में रखते हुए 1991 में 20 दिसम्बर को जब इस विधेयक पर लोक सभा में चर्चा हो रही थी तो आज के गृह राज्य मंत्री श्री पी. एम. सईद ने भी काफी जोरदार ढंग से इस मांग को रखा था कि केन्द्र शासित प्रदेश खास कर के लक्षद्वीप पर केन्द्र सरकार को विशेष ध्यान देना चाहिये। मैं भी इस राय का हूं कि पांडिचेरी में तो विधान सभा है लेकिन उनके अधिकार बहुत कम हैं। लक्षद्वीप में, अंडमान निकोबार में विधान सभा नहीं है। पांडिचेरी में भी लेफ्टीनेंट गवर्नर है, अंडमान निकोबार में भी है। दोनों जगह चीफ सेक्रेटरी हैं। लेकिन यह सही है कि राष्ट्रीय राजधानी क्षेत्र दिल्ली में जो विधान सभा है, उसको वह दर्जा प्राप्त नहीं है जो अन्य राज्यों की विधान सभाओं को है। आज की स्थिति में, मैं यह समझता हूं कि वहां की स्वतंत्र विधान सभा है, वहां का जो सचिवालय है, उनके संबध में दिल्ली विधान सभा सक्षम है अपने यहां विधेयक या अधिनियम लाने के लिए। शुरू शुरू में हमारे देश में जब केन्द्र की संसद् थी तो मांटेग्यु चेम्सफोर्ड की रिफार्म सिफारिशों के बाद जो 1920 में लागू हुई केन्द्रीय धारा सभा दो सदनों में हो गई एक सेंट्रल लेजिस्लेचर और दूसरी कौंसिल आफ स्टेट्स। उस समय भी जो भारत सरकार के विधि विभाग के सचिव हुआ करते थे, इन दोनों धारा सभाओं के सचिव हुआ करते थे। लेकिन बाद में धीरे धीरे यह पद्धति बदली और श्री वी. जे. पटेल ने इसमें काफी रूचि ली और बराबर वे इस राय के थे कि जो लेजिस्लेचर है उनका अपना सचिवालय स्वतंत्र होना चाहिये तथा उनके स्पीकर और प्रिज़ाईडिंग आफिसर्ज को पूरा अधिकार होना चाहिये। अगर यह नहीं होगा तो विधान सभाएं स्वतंत्र रूप से काम नहीं कर पाएंगी। इसीलिए 13 मई 1954 को हमारी प्रथम लोक सभा के अध्यक्ष श्री मावलंकर जी ने इस संबंध में एक आदेश पारित किया था जिसका आशय यह था कि जो भी लेजिस्लेचर हों, विधान सभा हो, संसद् हो उनका अपना स्वतंत्र सचिवालय होना चाहिये और अगर स्वतंत्र सचिवालय नहीं होगा तो जो विधानसभाएं और संसद् है उनको काम करने में रूकावट होगी, ठीक से काम नहीं कर पाएंगी। इसलिए जो सेलेक्शन बोर्ड था उसकी जो संस्तुतियां थी 1948 की, उस पर आदेश पारित करते हुए श्री मावलंकर ने कहा था--

"Every officer subordinate or otherwise serving the Secretariat of the legislature must be in a position to carry out his duties without fear or favour of the executive

fiovernment, and obviously this cannot be done if the employees of such Secretariats of legislatures look up selection board consisting of the officers and the nominees of the executive government for their chances and career in the Secretariats of the legislatures. Even in the old regime when the Extensive Government was not responsible to the legislature and the entire power vested technically in the that Governor-General, it was a well-established convention the presiding officer. *i.e.*, the Speaker of was the sole judge and controller in respect of appointments, promotions etc. in the legislative assembly department."

अभी शर्मा जी जब अपना भाषण दे रहे थे, अपने विचार व्यक्त कर रहे थे तो उन्होंने इस बात की चर्चा की कि जो दिल्ली की विधान सभा है उसके सचिवालय में जो लोग काम-करते हैं पहली बात उन्होंने कही कि वहां पर कोई सेक्रेटेरिएट नहीं है, दूसरा उन्होंने कहा कि वहां की विधान सभा सचिवालय में जो कर्मचारी हैं वे कोई इंडस्ट्री डिपार्टमेंट से आए है,को ई ट्रांसपोर्ट डिपार्टमेंट से आए हैं, कोई किन्हीं अन्य विभागों से आए हैं और वहां आकर काम कर रहे हैं । मैं इस बात का पूर्ण तरीके से समर्थन करता हूं कि दिल्ली विधान सभा का अपना एक अलग से सेक्रेटेरिएट होना चाहिए, उनका अलग से सेक्रेट्री होना चाहिए, उनके अपने रूल्स होने चाहिए । लेकिन जिस तरीके से आज दिल्ली विधान सभा का सेक्रेटेरिएट है उसमें व्यापक बदलाव की जरूरत है । अब कानूनी दृष्टि से मैं जानकार नहीं हूं कि जो कृष्णलाल शर्मा जी का विधेयक है वह कहां तक या तो 1991 के विधेयक में संशोधन होकर अपना उद्देश्य पा सकता है या जो दिल्ली की विधान सभा है वह स्वयं इस सिलसिले में कानून, नियम, अधिनियम बनाए तब पा सकता है ।

तीसरा, म एक और बात की ओर ध्यान आकर्षित करना चाहुंगा कि दिल्ली को लघु भारत कहा जाता है, दिल्ली एक मिनी इंडिया है, अभी वायलार रवि जी भी चर्चा कर रहे थे कि दिल्ली में सारे देश के लोग आकर रहते हैं । चूंकि दिल्ली में सारे देश के लोग आकर रहते हैं इसलिए दिल्ली में कम से कम जो नागरिक सुविधाएं हैं जो मनुष्य की दैनिक नागरिक आवश्यकताएं हैं उनको आसानी से सुलभ कराना चाहिए । लेकिन यहां पर जो विभिन्न प्रकार की संस्थाएं हैं जैसे दिल्ली विकास प्राधिकरण, दिल्ली डेवलपमेंट अथारिटी या बिजली के संबंध में डेसू, ट्रांसपोर्ट के लिए डी.टी.सी. या इसी तरीके से जो अन्य संस्थाएं हैं एक तो पहले भी इस बात की मांग की जा रही थी कि इनका आपस में को-आर्डिनेशन, सामंजस्य, समन्वय होना चाहिए लेकिन 1991 का यह कानून बनने के बाद भी इनमें आपस में समन्वय नहीं हो पर रहा है । आज यही कारण है कि आप देखिए कि दिल्ली में जो ट्रांसपोर्ट की सुविधा है उससे भी यहां के लोगों को काफी तकलीफ है, परेशानी है । पहले शायद 1956 के पहले यह ट्रांसपोर्ट विभाग उस समय की जो दिल्ली की सरकार थी उसके पास था लेकिन 1956 के बाद जब यहां की सरकार समाप्त हो गयी किसी कानून के अंतर्गत, एडमिनिस्टेटिव रिफार्म्स कमीशन की रिपोर्ट के बाद तो उसके बाद जो डी. टी. सी. है वह पूरी तरह से केन्द्र सरकार के अधीन है । लेकिन वहां जो सरकारी बसें हैं इनकी संख्या में निरंतर कमी हो रही है । मेरे पास इस समय आंकड़े उपलब्ध नहीं हैं लेकिन मुझे देखने का मौका मिला था कि दो साल पहले जो डी.टी.सी. का फ्लीट था उसमें करीब करीब 400 की कमी है । गत वर्ष से फिर जाकर अब 400 की कमी है आज यही कारण हैं कि दिल्ली के लोगों की, नागरिक सुविधाओं में कमी हो रही है । जहां तक मकानों का माशला हैं, आवास की सुविधा का मामला है, यह बिल्कुल सही है कि साधारण दर्जे के लोग, मामूली वर्ग के लोग, मध्यम वर्ग के लोग दिल्ली में आने के बाद भी न यहां पर किराए का मकान ले सकते हैं न डी. डी.ए. का मकान किसी तरीके से खरीद सकते हैं । ये सारी ऐसी नागरिक सुवि-

आप हैं जिनकी ओर दिल्ली की सरकार और जो केन्द्र की सरकार है इनको बैठकर विचार करना चाहिए और इसको सुलझ करना चाहिए ।

इन्हीं शब्दों के साथ मैं श्री कृष्ण लाल शर्मा का जो विधेयक है उसमें जो भावना निहित है उसका मैं पूरा समर्थन करता हूं । इसका ज्ञान की मांग करता हूं कि दिल्ली की विधान सभा के लिए निश्चित रूप से एक स्वतंत्र और निष्पक्ष सांचवालय होना चाहिए ।

उपसभाध्यक्ष (श्री सतीश अग्रवाल) : श्री ईश दत्त यादव । नहीं हैं । देन श्री विरुम्बी ।

श्री जगदीश प्रसाद माथुर : निवेदन है कि यह गवर्नमेंट बिजिनेस नहीं है, प्रायवेट मेम्बर्स बिजिनेस है इसलिए पांच बजे समाप्त होना चाहिए हाउस । गवर्नमेंट बिजिनेस के लिए हम 6 या 7 बजे तक बैठते हैं . . . (**व्यवधान**) . . . हां गवर्नमेंट बिजनेस के लिए 6 या 7 बजे तक बैठना चाहिए । यह प्रायवेट मैम्बर्स बिल है इसको पांच बजे खत्म होना चाहिए, यानी बहस को समाप्त करना चाहिए. . . (**व्यवधान**) . . . हां स्पेशल मेंशन करा लीजिए । स्पेशल मेंशन के बिजिनेस के पहले यह प्रायवेट मेम्बर्स बिजिनेस पांच बजे समाप्त कर दीजिए ।

उपसभाध्यक्ष (श्री सतीश अग्रवाल) : यह बात आपने कैसे मान ली कि पांच बजे के बाद प्रायवेट मेम्बर्स बिजिनेस चलेगा।

Before you speak, I would like the Minister of State for Parliamentary Affairs to announce the Government business for the next week.

STATEMENT RE. GOVERNMENT BUSINESS FOR THE WEEK COMMENCING 8TH MAP 1995

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MATANG SINH): Mr. Vice-Chairman, Sir, with your permission I rise to announce that Government Business during the week commencing 8th May 1995 will consist of:

1. Further discussion on Railway Budget for 1995-96;
2. Further discussion on the Resolution regarding Railway Convention Committee, 1991;
3. Consideration and return of the following Bills as passed by Lok Sabha:
   (a) The Appropriation (Railways) No. 2 Bill, 1995.
   (b) The Appropriation (Railways) No. 3 Bill, 1995.
4. General Discussion on General Budget for 1995-96;
5. Other Government Business;
6. Discussion on the working of Ministries of Agriculture and Rural Areas and Employment;
7. Discussion on the working of Ministry of Law, Justice and Company Affairs.

THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) BILL, 1993—*Contd*

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Mr. Vice-Chairman, Sir, so far discussion has taken place regarding the powers that have to be bequeathed to the Delhi Government in the area of recruitment. When this issue came up, even my ohn. friend, Mr. Narayanasamy, supported the Bill and said that the Union territory should have powers for recruitment. But, Sir, my hon. friend, Mr. Vayalar Ravi took a different stand. But, Sir, I want to take a via media approach, in between them. I say via media in the sense that Pondicherry also is a Union Territory, but there is a difference between Pondicherry and Delhi. In Pondicherry, the culture, language, history, everything, is common. But, as far as Delhi is concerned, it is not so.

SHRI SATYA PRAKASH MALAVIYA: Except that Delhi has a Lt. Governor from Delhi and Pondicherry now has a Lt. Governor from Allahabad!